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ABSTRACT

Compiled from the Maine Revised Statutes of 1964 (including amendments through 1973), the Constitution of Maine, and the current Resolves and Private and Special Laws, this compilation of laws pertaining to American Indians includes statutes relative to the following: (1) Constitution of Maine (bond issues; guaranteed loans for Indian housing; qualifications of voters); (2) Department of Indian Affairs; (3) Education (scholarships; reservation schools and school committees); (4) Elections (apportionment of Indian voting districts--state senators and representatives; state, county and Federal; tribal--Passamaquoddy and Penobscot; voting rights); (5) Fish and Game (free licenses; hunting and trapping; tribal ordinances re hunting, fishing, and trapping); (6) Forestry (duties of foresters); (7) Health and Welfare (destitute--Passamaquoddy, Penobscot, and non-tribal members); (8) Highway (reservation roads and bridges); (9) Housing Authorities; (10) Indians (Indians and tribes generally; Passamaquoddy; Penobscot); (11) Legislature: Indian Representatives (election of Passamaquoddy and Penobscot; general provisions; special license plates); (12) Miscellaneous Provisions (dogs; Off-Reservation Office of Indian Development; ordinances; Penobscot Baptist Church; public dump--Indian Township; zoning); (13) Motor Vehicles (excise taxes and trailers); (14) Treaties and Act of Separation. (JC)

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STATE OF MAINE

A COMPILATION OF LAWS PERTAINING TO INDIANS

Compiled from:

- the Maine Revised Statutes of 1964, including amendments through 1973
- the Constitution of Maine
- current Resolves and Private & Special Laws

Prepared by the Department of Indian Affairs

Augusta, Maine

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COMMISSIONER

S. GLENN STARBIRD, JR.
DEPUTY COMMISSIONER

This compilation of the Maine statutes applying to Indians is the first really thorough revision since the inception of the Department in 1965.

It is our hope that it will be of value and a benefit to those interested in laws pertaining to Indians in Maine.

We feel this work is complete, however, there still may be errors we have not detected. If you, the reader, should find such error, we hope it will be reported to the office of the Department of Indian Affairs at Augusta.

Sincerely,

JOHN W. STEVENS
Commissioner

JS/jm

TABLE OF CONTENTS

	PAGE
CONSTITUTION OF MAINE	
- Bond Issues	36
- Guaranteed Loans for Indian Housing	48
- Qualifications of Voters	37
DEPARTMENT OF INDIAN AFFAIRS	1
EDUCATION	
- Reservation Schools & School Committees	7
- Scholarships	31
ELECTIONS	
- Apportionment of Indian Voting Districts (State Senators & Representatives)	35
- State, County, Federal	36
- Tribal - Passamaquoddy	25
- Penobscot	21
- Voting Rights	34
FISH & GAME	
- Free Licenses	38
- Hunting & Trapping	38
- Tribal Ordinances Re: Hunting, Fishing & Trapping	39
FORESTRY	
- Duties of Foresters	37
HEALTH & WELFARE	
- Destitute - Passamaquoddy	20
- Penobscot	16
- Non-tribal Members	4
- Foster Homes	39
HIGHWAY	
- Reservation Roads & Bridges	40-41
HOUSING AUTHORITIES	8
INDIANS	
- Indians & Tribes Generally	1
- Passamaquoddy	24
- Penobscot	11

pg II blank

TABLE OF CONTENTS - (Continued)

LEGISLATURE, Indian Representatives
- Election of - Passamaquoddy 25
- Penobscot 21
- General Provisions 41
- Special License Plates 42

MISCELLANEOUS PROVISIONS
- Dogs 6
- Off-Reservation Office of Indian Development 48
- Ordinances 5
- Penobscot Baptist Church 44
- Public Dump (Indian Township) 44
- Zoning 48

MOTOR VEHICLES 43
- Excise Taxes 43
- Trailers 43

TREATIES & ACT OF SEPARATION
- - - - Appendix Following Page 51

TITLE 22 - INDIANS

Indians and Tribes Generally . . . . . Sec. 4701
Maine Indian Housing Authority . . . . Sec. 4731
Penobscot Tribes . . . . . Sec. 4761
Passamaquoddy Tribes . . . . . Sec. 4831

INDIANS AND TRIBES GENERALLY

Sec.

4701. Indian defined
4702. General supervision; records; filing and auditing accounts.
4703. Record of proceedings; account of receipts and expenditures.
4704. Health officers.
4705. Overseers of the poor and other special officers.
4706. Clerks of tribes.
4707. Contracts of Indians for timber and grass.
4708. Limitations on leases and contracts made by commissioner.
4709. Actions by Attorny General.
4710. Warrents.
4711. Bounties on produce; proof.
4712. Account of Appropriation.
4713. Relief of Indians not menbers of tribes; statements; reinbursement.
4714. Expenditure of tribal funds.
4715. Posing as Indian in vending.
4716. Constables.
4717. Adoption of ordinance.
4718. Registration and licensing of dogs.
4719. School Committee
4720. Indian bones.

Sec.

4701. Indians defined

An Indian is defined for all purposes as being a person who is in whole or to the extent of at least ¼ part of Indian blood.

4702. Department of Indian affairs; commissioner, qualifications, employment and salary; personnel

The duties and powers heretofore given the Commissioner of Health and Welfare relating to Indians, except their education, are transferred to the Department of Indian Affairs; hereinafter in this part called the 'department', which is created to exercise general supervision over the Indian tribes.

The Department of Indian Affairs shall be under the control and supervision of the Commissioner of Indian Affairs, herein after in this part called the 'commissioner', who shall be qualified by experience, training and demonstrated interest in Indian affairs. The commissioner shall be appointed by the Governor to serve for a term of 4 years and until his successor shall be appointed and qualified. Any vacancy shall be filled by appointment for a like term. The commissioner shall receive such salary as shall be fixed by the Governor.

The commissioner may employ, subject to the Personnel Law, the necessary assistance to carry out the duties and responsibilities of the Department of Indian Affairs.
(P.L. 65, c.340)

Sec.

4703. Record of proceedings; account of receipts and expenditures

The commissioner shall keep a true record of his proceedings and correct accounts of all receipts and expenditures of every kind; and shall carry into effect all treaties with said tribes.

4704. Health officers

A tribal physician or nurse for each of the reservations of the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the Director of the Bureau of Health, subject to the approval of the commissioner. Such tribal physician or nurse shall be a physician or other person approved because of training and experience in public health work and shall serve for a term of 3 years and until his successor is appointed and approved; compensation to be determined by the commissioner.

4705. Overseers of the poor and other special officers

An overseer of the poor, a road commissioner, a local health officer and tribal hall keeper may be appointed by the tribal governor of each of the Indian tribes subject to the approval of the tribal council, if any, of each such tribe. Such officers shall advise with the commissioner and receive compensation for duties performed upon his authorization.

4706. Clerks of tribes

1. Appointment. The tribal governor of each reservation, with the advice and consent of the tribal council of each such reservation, shall appoint a tribal clerk for the reservation.

The qualifications for such positions and the duties of such positions will be determined by the respective tribal governor and council.

The compensation for such positions shall be mutually agreed upon in writing by the respective tribal governor and council and the Commissioner of Indian Affairs or his representative.

The terms of appointments for such positions will be for the term of the appointing tribal governor and council.

2. Duties and powers. Each tribal clerk shall keep a record of the births and deaths of persons living on such reservations and shall perform all other duties with respect to the same as are required of the clerks of towns under section 2702. Each clerk shall receive a fee of 25¢ for each certificate returned to the Bureau of Vital Statistics.

All excise taxes of residents of the various reservations shall be paid to the respective tribal clerk, who shall hold and disburse the proceeds for the benefit of each such tribe in accordance with the vote of the respective tribal council.

Each such tribal clerk shall give a corporate surety bond for the faithful discharge of his duty to the respective tribal council in the sum and with such sureties as the tribal council approves.

The accounts of each tribal clerk shall be audited annually by the State Department of Audit or by a qualified public accountant. The report of each audit shall be certified to the tribal governor and council by the person conducting such audit.

Each such tribal clerk shall perform other duties of a clerical or record-keeping nature as may be specified by the respective tribal governor and council, including keeping minutes of all tribal and council meetings.

3. Removal. For inefficiency or neglect of duty or misconduct in office a tribal clerk may be removed after a hearing by the appointing tribal governor with the advice and consent of the respective tribal council, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by council. In the event of the removal of a tribal clerk, a record of the proceedings shall be filed in the office of the respective tribal council and with the Department of Indian Affairs.

4707. Contracts of Indians for timber and grass

Contracts relating to the sale or disposal of trees, timber or grass on the Indian lands made with any Indian belonging to either of said tribes, unless examined and allowed by the commissioner are void.

4708. Limitations on leases and contracts made by the commissioner

No lease of land or contract for trees, timber or grass made by the commissioner has effect for more than one year; nor shall the commissioner, in any one year, sell or dispose of trees or timber of said Indians to an amount exceeding $500, except as provided in sections 4775 to 4788.

4709. Actions of Attorney General

The Attorney General upon his own initiative, or at the request of the governing body of any of the Indian tribes in this State, may in the name of any such tribe and in his said capacity, maintain actions for money due any such tribe and for injuries done to tribal lands. All sums or damages so recovered shall be distributed by the commissioner to the Indians of the tribe concerned according to their usages, or be invested in useful articles. This section shall apply only to tribal and unassigned lands not privately owned and shall apply only to damages and injuries arising out of acts done after September 16, 1961.

4710. Warrents

The governor and council may draw warrents on the Treasurer of State for such sums as are payable to the Indians for the bounties on agricultural products.

4711. Bounties on produce; proof

Bounties shall be paid to every Indian of either of said tribes for produce raised by him either on his own land or on land belonging to the tribe as follows;

1. Wheat. For every bushel of wheat, 20¢.

2. Oats, beans and others. For every bushel of rye, oats, barley, buckwheat, peas or beans, 10¢.

3. Potatoes, beets and others. For every bushel of potatoes, turnips, parsnips, beets or carrots, 5¢.

Before any bounty is paid to such Indian, he shall prove to the satisfaction of the commissioner the number of bushels of each article before named, raised by him on such land.

Sec.
4712. Account of appropriations

The commissioner shall keep an account of appropriations so paid out.

4713. Relief of Indians not menbers of tribes; statements; reimbursments

Whenever any Indian, not a menber of the Penobscot or Passamaquoddy tribe of Indians or any member of the family of such Indian, is found destitute and in distress, and is relieved by the overseers of the poor of the town required by law to provide relief for such person, the overseers of the poor shall transmit to the Department of Health & Welfare a statement specifying the nature, dates and amounts of the supplies furnished, together

with a statement of fact relating to the condition, tribe, length of time in the State so far as may be ascertained and such other data as may be required concerning such Indian. Whereupon the State shall reimburse said town for the relief so furnished to such extent as the Department of Health & Welfare adjudges to have been expended necessarily.

4714. Expenditure of tribal funds

The department, subject to the approval of the Governor and Council, may extend for the benefit of either Indian tribe, any portion of the funds of that tribe, provided the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing statute, and provided the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

4715. Posing as Indian in vending

Whoever, not a member Indian of either of said tribes, represents himself to be such Indian in the vending of goods and wares, shall be punished by a fine not more than $250.

4716. Constables

1. Appointment. The tribal governor, with the advice and consent of the tribal council, is authorized to appoint one or more Indians, age 18 or over, each of the Indian tribes in this States, as special constables with like powers and duties of constables and police officers within towns and cities, in the enforcement of the laws of the State, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction within his county. Such constables shall act as school attendance officers for their respective tribes. They shall receive such compensation as may be determined by the department.

2. Term of office. Said constables shall be appointed for a term of 2 years from the date of their appointments or until their successors have been duly appointed and qualified. Any constable may be removed by the tribal governor upon recommendation of the department.

4717. Adoption of ordinances by the Penobscot and Passamaquoddy Tribes of Indians

The governor and council of the Penobscot Tribe and of the Passamaquoddy Tribes of Indians shall prepare the ordinances, rules and regulations for such tribe after a hearing held at a special meeting of such tribe called for the purpose. said ordinances, rules and regulations shall be submitted for approval by the tribe at a general meeting called by the governor.

Such ordinances, rules and regulations shall be enforced by the constables of the tribe under the supervision and direction of said governor and council. The governor and council of the respective reservations may prescribe penalties for violations of ordinances not to exceed $100.

4718. Registration and licensing of dogs

1. Clerk to be furnished with list of dogs. The governors of the Penobscot and Pleasant Point Passamaquoddy Tribes of Indians shall make or cause to be made a list of all dogs each member of said tribes and all other persons residing on said Indian reservations and deliver such list to the clerks of said tribes at least 10 days before the first day of April of each year.

2. Dogs to be licensed; fee and general provisions. Each member of said tribes and all other persons residing on said reservations, who owns, keeps or has in his possession a dog more than 4 months old, shall annually before the first day of April cause it to be registered, numbered, described and licensed for one year from said first day of April, in the offices of said clerks, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to said clerks for a license $1.25 for each male dog, and $3.25 for each female dog capable of bearing young. All female dogs shall be considered capable of bearing young, unless a certificate issued by any licensed veterinarian stating that such female was made incapable of bearing young by spaying, or any previous license record so indicating, is presented. When such certificate or record accompanies the application a fee of $1.25 shall then be paid on such spayed female. Any member of said tribes and all other persons residing on said reservations becoming the owner or keeper of a dog after the first day of April, not duly licensed, shall cause it to be registered, numbered, described and licensed as provided.

3. License fees; how expended. Said clerks shall issue said license and receive the money therefor, and turn the same into the fund for the municipal purposes of said tribes, retaining to his own use 25¢ for each license issued.

4. Penalty for violation. Any member of said tribes and all other persons residing on said reservations who keeps a dog, contrary to this section shall pay a fine of $10, or be punished by imprisonment in the jail in the appropriate county for not more than 30 days.

5. Dogs, not licensed, to be killed; warrant to be issued by clerks. Said clerks shall annually, within 10 days from the first day of June, issue a warrant to the constables of said tribes directing them to proceed forthwith, either to kill or

cause to be killed, all dogs on said reservations not licensed and collared according to this section, and to enter complaint against the owners or keepers thereof. Such constables shall receive from the fund derived from said registrations $1 for each dog so killed.

4719. School committees

The Passamaquoddy Tribe of Indian Township, The Passamaquoddy Tribe of Pleasant Point and the Penobscot Tribe of Indian Island shall each be authorized to elect by popular election a school committee of not more than 5 tribal members to provide educational and cultural services for its residents. It shall be the responsibility of the school committee to approve all programs, expenditures of funds and procurement of personnel in accordance with the general laws applying to public schools. Should any reservation fail to elect a school committee, the Commissioner of Educational and Cultural Services shall provide for the education of students on that reservation in the same manner as is done for unorganized territory students.

The Indian school committee shall jointly, in a manner agreed upon by all of the committees, select a superintendent, of schools, subject to the approval of the Commissioner of Educational and Cultural Services, whose duties shall be the same as public school superintendents under the general law. The committees shall jointly select a treasurer.

The school committees shall determine the terms of employment for the superintendent, including compensation and length of contract, subject to the approval of the Commissioner of Educational and Cultural Services.

Each school committee may establish personnel regulations and a system for purchases and accounting in accordance with the general law as it applies to administrative units.

All bills, including payrolls, must be approved for payment by the school committee members and the superintendent of schools, before being paid by the treasurer. The State Controller shall forward monthly to the treasurer such sum as may be requested by him, the total not to be in excess of the sum appropriated. The accounts shall be audited by the State Auditor.

The biennial budgets shall be drawn up by the superintendent and school committees and forwarded to the Commissioner of Educational and Cultural Services for his consideration and recommendation before being submitted to the Legislature. The execution of the budget must be carried out within the funds made available and in accordance with the laws governing fiscal responsibility (P.L. 1973, C. 571, Sec. 53-C)

4720. Indian bones

From the date this Act becomes effective all Indian skeletons and bones that come into the possession of any person, state department or organization, whether public or private, shall be transferred to appropriate Indian Tribes in Maine for reburial.

Prior to the time of transferral to the Indian Tribes, any such Indian bones or skeletons found may be subjected to scientific study by persons skilled in the anthropological and archaeological fields, but in no instance may such study continue longer than one year from the time of the bones discovery, before being transfered to the Indian Tribe.

(P.L. of 1973, C. 353)

Chapter 1352

MAINE INDIAN HOUSING AUTHORITY LAW

Sec.
4731. Short Titles
4732. Findings and declarations of necessity
4733. Creation of Indian Housing Authorities
4734. Appointment and removal of commissioners
4735. Area of operation
4736. Referendum approval not applicable
4737. Authorization for transfer of real property
4738. State aid
4739. Relation of powers of local officals public bodies

Sec.
4731. Short title

This chapter shall be known and may be cited as the "Maine Indian Housing Authority Law."

4732. Findings and declarations of necessity

It is hereby found and declared;

1. Shortage. That there exists on the reservations in this State occupied by the Passamaquoddy and Penobscot Tribes, insanitary, unsafe and over crowded dwelling accommodations; that there is a shortage of safe or sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces persons to occupy such insanitary, unsafe and overcrowded dwelling accommodations;

2. Conditions. That these conditions cause an increase in the spread of disease and other conditions and constitute a menace to the health, safety, morals and welfare of the residents of the reservations; that these conditions necessitate excessive and disproportionate expenditures of state funds for public health and safety, fire and accident protection and other public services and facilities;

3. Obstacles. That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, or by any housing authority created by the Maine Housing Authorities Act;

4. Public uses. That the clearance, replanning and preparation for rebuilding of these areas and the providing of safe and sanitary dwelling accommodations and maintaining a wholsome living environment for persons of low income are public uses and purposes for which public money may be spent and are governmental functions of state concern;

5. Residential construction. That residential construction activity is an important factor to general economic activity and that the undertakings authorized by this chapter to aid the production of better housing and more desirable neighborhood and community developements at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment;

6. Necessity. That the necessity in the public interest for the provisions of this chapter enacted is declared as a matter of legislative determination.

4733. Creation of Indian Housing Authorities

In the Penobscot tribal reservation at Indian Island, Old Town, and in each reservation of the Passamaquoddy Tribe of Indians at Pleasant Point and Indian Township, there is created a public body corporate and politic to be known as the reservation "Housing Authority". Except as otherwise provided in this chapter or clearly indicated otherwise by the context the Maine Housing Authorities Act shall apply to the housing authorities created by this section, hereinafter in this chapter referred to as "authority" or "authorities".

4734. Appointment and removal of commissioners

1. Appointment. Each authority shall have 5 commissioners appointed by the reservation governor, with the advice and consent of the tribal council, of the reservation for which the authority is created, No less than 4 commissioners, in-

cluding the chairman, shall be members of the tribe of the respective reservation. Holding of any tribal office shall not bar appointment of any such tribal member to the Housing Authority of the member's reservation. The commissioners who are first appointed shall be designated to serve for terms of one, 2 3, 4, and 5 years, respectively, from the date of their appointment, but thereafter such commissioners shall be appointed for a term of office of 5 years, except that all vacancies shall be filled for the unexpired term. Each commissioner shall hold office until his successor has been appointed and has qualified. Each authority shall elect a chairman, a vice-chairman, a secertary and a treasurer from among the commissioners and and a commissioner may hohd any 2 of these positions except for the positions of the chairman and vice-chairman.

2. Removal. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed after a hearing by the reservation governor and tribal council of the reservation for which the authority is created, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of a commissioner, a record of the proceedings shall be filed in the office of the respective reservation Housing Authority.

4735. **Area of operation**

The area of operation of an authority is within the territorial boundaries of the reservation for which it is creared. Each authority is empowered to construct, develop, operate and maintain water and serew systems to insure that adequate water and sewer services are available to the housing project.

Sec.
4736. **Referendum approval not applicable**

Title 30, section 4701, requiring referendum approvals under the Maine Housing Authorities Act, does not apply to the authorities created by this chapter.

4737. **Authorization for transfer of real property**

Any real property required by an authority for use in its area of operation in providing housing shall be leased to the authority by the respective governor and council with the approval of the Governor of the State of Maine upon such lawful terms as shall be agreeable to the parties.

4738. State aid

In addition to its other powers, the State is empowered to provide facilities, services and financial aid, by loan, donation, grant, contributions and appropriations of money; or by any other means, to an authority and, in connection therewith, to enter into agreements, which may extend over any period. notwithstanding any provision or rule of law to the contrary, excepting constitutional provisions or treaty.

4739. Relation of powers of local officials and state public bodies

For the purposes of this chapter, the powers and duties conferred and imposed by the Maine Housing Authorities Act upon municipalities and their governing bodies, mayors and specified local officials are hereby vested in tribal governors, tribal councils and tribal officials. The term "state public body", as defined in the Maine Housing Authorities Act, includes the state for the purpose of their chapter, and the term "municipality" in the opening paragraph of Title 30, section 4652 includes the respective reservations of the Passamaquoddy and Penobscot Indian Tribes, for the purposes of this chapter.

Chapter 1353

PENOBSCOT TRIBE

Sec.

4761. Membership.
4762. Adoption of person into tribe
4763. Filing certificate of adoption; exclusion from certain offices.
4764. Oath of adopted person.
4765. Loss of membership by abandonment.
4766. Loss of membership does not affect membership of other members of family.
4767. Restoration to membership.
4768. Dividends and rentals with respect to nonresident members.
4769. Fortifited money used for family benefit.
4770. Removal of nonmembers from reservation.
4771. Destitute persons on reservation.
4772. Destitute members outside of reservation.
4773. Payments due under treaty or law.
4774. Schools. (repealed-see Sec. 4719)

4775. Leases of islands.
4776. Restrictions on sale of wood or timber.
4777. Conveyances.
4778. Lots not to be sold or leased.
4779. Surveys; tribal use of waters and timberland.
4780. Assignments of unassigned lands.
4781. ---Certificate of commissioner; form.
4782. Abandonment as forfeiture of lands.
4783. Death of landowner.
4784. Conveyancesby release deed; lots on Old Town Island, Miscellaneous Defects.
4785. Deposit of deeds with commissioner.
4786. Copies of deeds as evidence.
4787. Lease of island shores.
4788. Privileges for mills, booms and fisheries.
4789. Warrents for interest on 4 townships puchased; rents.
4790. Exise taxes. (Repealed-see Sec. 4706)
4791. Census; annual meeting; notices; correction of lists; compensation of committee.
4792. Penobscot Tribal Elections.
4793. Governor and Council.

Sec.
4761. **Membership**

Membership in the Penobscot Tribe of Indians may, after March 22, 1901, be acquired only as follows:
1. Birth. by birth;

2. Adoption. By adoption into the tribe as determined by its tribal council in accordance with sections 4762 and 4763;

3. Marriage. By marriage to a male member of said tribe; membership by marriage can be acquired only by such persons as are in whole or to the extent of at least ¼ part of Indian blood, and it shall not include the previous issue of the person acquiring it. A certificate of marriage signed by the person solemnizing the same, or an attested copy of the record thereof, shall be sufficient evidence of such marriage.

Sec.
4762. **Adoption of person into tribe; rights conferred upon adopted members; exclusion from certain offices** (As amended by C. 232, P.L. 1973)

1. Adoption. The tribal council at any regularly held meeting may, by ¾ vote of its total membership, adopt into said tribe any person who is of at least ¼ part Indian blood, and who is the husband, wife or child of a member of said tribe, and who has his or her residence for at least one year next preceding such adoption upon any reservation of said tribe. An adoption by any member of the tribe under ordinary legal process shall not of itself confer tribal membership upon such adopted person. The power of adoption into the tribe shall rest exclusively with the tribal council. The decision of said council shall be conclusive and upon an affirmative decision by the tribal council, the adoption shall be effective immediately. (As amended by C. 232, P.L. 1973)

2. Rights. Every person adopted into the tribe pursuant to subsection -1- shall be deemed and accepted to be a member of said tribe for all intents and purposes, except as set forth in subsection 3, and shall be entitled to have their name enrolled upon the tribal census as a member of said tribe.

3. Ineligibility to office. No person adopted into the tribe shall be eligible to hold the office of the governor, lieutenant governor or representative of said tribe.

Sec.

4763. **Filing certificate of adoption** (As amended by C. 232, P.L. 1973)

Whenever said tribal council shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person persiding at the meeting and said certicate shall forthwith be forwarded to the Commissioner of Indian Affairs, who shall forthwith record such adopted person's name upon the official census or tribal membership roll.

4764. **Oath of adopted persons** (As amended by C. 232, P.L. 1973)

Every person adopted as provided in section 4762 shall, within one month after the adoption, or if a minor at the time of adoption, within one month after reaching the age of 18 years, make oath before the governor of the tribe that they will demean themselves as discreet, industerious and good members of said tribe, will abide by the laws of the State of Maine and ordinances of the tribe relating to tribal membership and will faithfully fulfill the duties incumbent upon them as such members.

4765. Loss of membership by abandonment

If any member of said tribe shall abandon it and join another tribe of Indians, he shall be deemed to have lost his membership in the Penobscot tribe, and shall not be entitled to any share of dividends, rentals or other money thereafter apportioned among the members of said tribe, nor to any other subsequent rights of membership.

4766. Loss of membership does not affect membership of other members of family

When any member loses his membership under section 4765, or his right to share in dividends, rentals or other moneys under section 4768, no member of his family to whom said sections do not personally apply shall be deemed to have lost such membership or right.

4767. Restoration to membership

Any person a member of said tribe on March 22nd, 1901, as shown by the tribal census taken under the laws of the State, who shall have fortfeited any rights of membership may regain said rights by petition, under oath, to the commissioner, alleging 30 days' continuous residence within the State. If at the end of 60 days said commissioner shall have refused or neglected to restore said person to membership, he shall have the right of appeal to the tribal council which shall thereupon forthwith hear the facts and enter such judgement as to restoration to membership as is just and right. Such renewal of rights shall not entitle such person to any share of the dividends, rentals or moneys which previously thereto have come into the hands of the commissioner, nor have any other retrospective effect.

4768. Dividends and rentals with respect to nonresident members

If any member of the tribe shall reside outside the tribal reservation, but within the State, he shall report to the commissioner at least once in each year in order to be entitled to his share of dividends, rentals or other money apportioned to members of the tribe. During such time as he shall reside without the State he shall not be entitled to any part of the dividends, rentals or other money apportioned to members of the tribe.

4769. Forfeited money used for family benefit

If any member of said tribe shall desert his family or fail to provide properly for said family's support, the commissioner may in his discretion use for the benefit of such family any part or all of said member's dividends or share of rentals or any money assigned to him from state funds or coming to him in any way by apportionment or distribution through the hands of said commissioner.

4770. Removal of nonmembers from reservation

Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member nor the husband, wife or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor or, in his absence, the lieutenant governor, and the commissioner. A copy of such notice attested by said commissioner, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said commissioner and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within 2 days after service of said notice upon him, the commissioner or any member of the tribe may make complaint to the proper officer of the District Court of Southern Penobscot, who shall cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person or left at his place of last and usual abode at least 2 days before the time fixed for said hearing, or may cause said person to be at once apprehended and brought before said court. After due hearing the judge with the recommendation of the tribal governor and council may order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order, or if within one year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said commissioner and said governor or lieutenent governor, said judge may cause such person to be apprehended and brought before said court and may punish him by fine of not more than $20 or by imprisonment for not more than 30 days, or by both. The costs of all such court proceedings under this section may be included in the order or sentence of said judge. If the respondent fails to pay the same, he may be committed to jail

for not more than 30 days additional to any imprisonment other wise imposed upon him. In such case, or if the court does not include such costs in his order or sentence, such costs shall be paid by said commissioner from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint.

4771. Destitute persons on reservation

For all relief to any person not a member of the Penobscot tribe of Indians, nor having a pauper settlement in this State found destitute and in distress upon any tribal reservation of said tribe, which has been furnished by the commissioner or by the overseers of the poor of the town within whose territorial limits such person is so found, the State shall reimburse said commissioner or said town to such extent as the department adjudges to have been necessarily expended therefor. The reasonable expenses and services of said overseers relative to said pauper shall be included in the amount to be so reimbursed.

4772. Destitute members outside of reservation

When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this State where he is so found, the overseers of the poor of said town may send to the Commissioner of Health & Welfare a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the Department of Health & Welfare such additional statements of fact as the Commissioner of Health & Welfare may think proper. The State shall reimburse said town for the relief so furnished to such extent as the Department of Health & Welfare adjudges to have been necessarily expended. Any member of said tribe found destitute and in distress beyond the tribal reservation may be removed by the Commissioner of Health & Welfare from any place in which he may be residing, or be found, to said tribal reservation, whenever in the judgement of the Commissioner of Indian Affairs, such removal should be made.

4773. Payments due under tready or law

The commissioner shall provide, furnish, pay and deliver to the Penobscot tribe, on account of the State, such articles, goods, provisions and moneys as from time to time become due due under any treaty or law.

4774. Schools - (Repealed - see Title 22, Sec. 4719)

4775. Lease of islands

The islands belonging to said tribe may be leased by the commissioner for the benefit of such tribe for a term not exceeding 12 years, if such lease and the terms and conditions thereof are assented to by the governor and lieutenent governor of the tribe and approved by the department. If such lease is on credit, it shall be at the risk of the commissioner, and accounted for as money. The avails thereof shall be placed by him in the State Treasury, subject to the order of the department according to law.

4776. Restrictions on sale of wood or timber

No member of the Penobscot tribe of Indians shall be permitted to sell any standing wood or timber growing on any islands or lands in the Penobscot river within the limits of the Indian reservation except to members of the tribe for firewood only; nor shall any member of said tribe lease any portion of his lands or islands within the limits of said reservation for the purpose of permitting any standing wood or timber to be cut and removed therefrom, except with the consent and approval of the commissioner.

4777. Conveyances

Any Indian holding lands under a certificate issued under Authority of chapter 137 of the public laws of 1883, or by virtue of any assignment under the laws for the appointment of the lands of said Penobscot tribe, may sell and convey the same to any member of the same tribe with the approval of the commissioner. No Indian shall purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

4778. Lots not to be sold or leased

No such Indian shall sell or lease his lot except as provided by law. If he carries off the growth faster than necessary for cultivation, except by permission of the commissioner, or commits strip or waste, he shall be dealt with as a trespasser.

4779. Surveys; tribal use of waters and timberland

Surveys of the islands in Penobscot river from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under chapter 158 of the public laws of 1835 and chapter 396 of the public laws of 1839, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate. The water privilages belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timberland, and other lots indicated on said plans as reserved for public use, except the public farm which is subject to allotment by chapter 22 of the private and special laws of 1878, are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

4780. Assignments of unassigned lands

The commissioner, on application of any Indian thereof, male or female, 18 years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance or who does not already hold by assignment, purchase or otherwise his fair share of said lands may cause a lot suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid. All lots so designated shall be limited by said plan and occupied accordingly and any lot, when so assigned, shall be the property of the person to whom it is assigned.

4781. --Certificate of commissioner; from

The assignments mentioned in section 4780 shall be accompanied by a certificate from the commissioner to be recorded as in section 4784, in form substantially as follows;

"Know all men by these presents, that I, ... Commissioner of Indian Affairs, have caused to be surveyed and set off to ....., a portion of the lands belonging to

said tribe on the islands in Penobscot River, as contemplated by acts of the Legislature, bounded and described as follows, viz;

****

To have and to hold to him, his heirs and assigns, as contemplated by said acts.

In witness whereof I have hereunto set my hand and seal as Commissioner of Indian Affairs, this .....day of ....., ninetten hundred and ....."

4782. **Abandonment as forfeiture of lands**

Any member of said tribe who abandons it and joins any other tribe forfeits all lands assigned to him, and the same may be assigned anew as provided in section 4780.

4783. **Death of landowner**

The commissioner shall enter upon his record a memorandum of the death of any Indian owning lands, the date thereof, a description of the lots owned by the deceased and the name of those persons, so far as ascertainable, who are entitled to such lands by inheritance.

4784. **Conveyance by release deed; lots on Old Town Island; miscellaneous defects** - (Repealed and replaced by C. 299, P.L. 1973)

1. Deeds. Conveyances made by virtue of section 4777 shall be by release deed, quit-claim deed, quit-claim deed with covenant warranty deed, warranty deed with covenant, executed and acknowledged, and the approval of the Commissioner of Indian Affairs shall be written thereon. Said deed and approval shall be recorded by the register of deeds of Penobscot County in a book kept in the registry of deeds in said county, upon payment of 25¢ for each deed so recorded; and until recorded, no deed shall pass any title. This chapter and chapters 1351 and 1355 shall apply to house lots on the point of Old Town Island, as well as to land allotted for agricultural purposes.

2. Validation. All deeds heretofore made prior to January 1, 1972 for the conveyance of real property pursuant to subsection I, and duly recorded in the Penobscot County registry of deeds, and otherwise valid except that the same was not in the form of a release deed as required by said subsection, I, are validated regardless of whether or not they are in the form

of a quit-claim deed, quit-claim deed with covenant, warranty deed, warranty deed with covenant or such other sufficient to pass title under the laws of the State of Maine, and whether or not said deeds contain the approval of the Commissioner of Indian Affairs as required by subsection, I. All deeds affecting real property on the Penobscot Indian Reservation duly recorded in the Penobscot County registry of deeds having certain defects as described in Title 33, sections 351 and 352 and 353 and any like provisions of law hereafter enacted by the Legislature shall apply to conveyances made pursuant to subsection I.

Sec.

4785. **Deposit of deeds with commissioner**

Deeds made by any Indian of the Penobscot tribe as provided in section 4784 may be deposited with said commissioner to be delivered by him to the grantee named therein, after the death of the grantor, if the fact that such deed is so deposited to be so delivered appears by the deed itself. When delivered by said commissioner, it shall pass all the title of the grantor in the premises at the time of his death.

4786. **Copies of deeds as evidence**

Copies of deeds or certificates recorded as provided in this chapter and chapters 1351 and 1355 duly attested by the register of deeds or by the commissioner, shall be evidence in all actions or contoversies relating to title to lands between members of said tribe.

4787. **Lease of island shores**

The shores of the islands in the Penobscot River belonging to said tribe shall be leased for booming or hitching logs under the orders of the department. Such leases shall not run longer than 5 years. All sums recieved from rent of said shores shall be paid to the State, to be held in trust, and paid to said tribe as provided in section 1 of chapter 267 of the special laws of 1873.

4788. **Privileges for mills, booms and fisheries**

The commissioner may lease any reserved privileges for mills, booms and fisheries for a term sufficiently long to induce persons to take leases of them. All rents shall be paid

into the State Treasury, to be expended for the benefit of the tribe, under the direction of the department.

4789. Warrents for interset on 4 townships purchased; rents

The governor and council may draw warrents on the State Treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the State of the Penobscot Tribe in June, 1833, and of any other money paid into the treasury, and for the full amount of rents paid in as foresaid. When the whole amount of such sums, in the opinion of the department, is more than is necessary for said tribe, the excess may be invested for their benefit.

4790. Excise taxes Repealed (see section 4706)

4791. Census; annual meeting; notices; correction of lists; compensation of committee

An accurate census of the Penobscot tribe shall be taken early each January by the tribal council upon the best information which they can obtain, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the first day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy there of to the governor of said tribe for their use. On the first Wednesday of January, annually, the said council shall hold a meeting with said tribe on Old Town Indian Island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the idenity of persons and the correctness of names. Due notice in writing of the time and place of which meeting shall be given by said council. At said meeting 5 of said tribal council shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the council, be certified to the commissioner and he shall correct his list accordingly.

4792. Penobscot tribal elections (As amended by C. 130, P.L. 1973)

1. Elections. Biennially, on the even-numbered years, on the 2nd Tuesday in September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant

governor of said tribe and a representative at the Legislature of this State, and members of a tribal council, each of whom must be at least 18 years of age. Only certified members of the tribe who are 18 years of age or older shall be eligible to vote.

2. Caucus. On the first Tuesday of August biennially on the even-numbered years and to fill any vacancies arising in the interim, the Penobscot Indians shall hold a caucus for the purpose of nominating candidates to be elected as provided in this section. Such caucus shall have the right to establish, by majority vote, rules for the conduct of the following tribal election, providing that such rules do not violate the constitutional rights of any person.

3. Notice; votes; recount. The commissioner shall give notice of the time and place, 7 days before the day of election, by posting notices there of, one at his office and one or more others in conspicuous places on Old Town Indian Islands. The commissioner or his authorized representative shall receive, sort and count the votes given in at said election, in the presence of the members of the tribe, and shall give to those elected certificates thereof, except that no certificate of election shall be issued less than 10 days after the election. On the written application of a candidate in said election within 7 days after election day, the commissioner shall permit him or his counsel to recount the ballots under proper protective regulations. Upon the receipt of the application, the commissioner shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount. The commissioner or his authorized representative shall preside at the recount and shall segregate any disputed ballots. Ballots may be disputed for any or all of the following reasons; If more names are marked for an office than are vacancies to be filled; if there are any distinguishing marks on the ballot or if the ballot is marked in such a way as to make the voter's choice impossible to determine. In no case shall a ballot be disputed solely because of the type of mark used to indicate the voter's choice, and all votes shall be counted where the voter's intention can be clearly seen and no other reason for challenging the ballot but its type of marking exists. If any mistake was made in counting the ballots on the election day, the commissioner shall

correct his tabulation. If the corrected tabulation changes the result declared on election day, the commissioner shall declare the winner as determined by the recount. The commissioner shall issue his certificate of election to the winner of a recount, unless within 4 days of the said recount, the loser appeals its result in writing to the Governor and Council of the State of Maine, addressed to the Secretary of State. In all cases the determination of the winner by the Governor and Council shall be final.

4793. Governor and council

The governor, lieutenant governor and representative at the Legislature of the Penobscot Tribe of Indians shall hold office for 2 years commencing on the first day of October on the even-numbered years beginning October 1, 1968 or until their successors are elected.

The council of the Penobscot Tribe of Indians shall consist of 12 members elected for 4 years, chosen in the following manner: At the election of September 8, 1970, 12 members shall be elected to said tribal council. The 6 members receiving the highest number of votes in the 1970 election shall hold office for 4 years and the remaining 6 members shall hold office for 2 years, commencing on October 1, 1970, unless removed as provided, or resigned. In each subsequent election thereafter, 6 members of said tribe shall be elected to said tribal council and shall hold office for 4 years, commencing on the first day of October in the even-numbered years, or until their successors are elected. Biennially on the first day of October in the even-numbered years, all correspondance, records, files and other materials pertaining to Penobscot tribal government and tribal activities shall be turned over to the newly elected tribal governor by the former tribal officials.

The governor shall preside over all meetings of the council and be a member ex officio. In the absence of the governor, the lieutenant governor shall preside. Seven members of said council shall constitute a quorum thereof for the purpose of conducting the affairs of the tribe and exercising its powers and for all other purposes, notwithstanding the existance of any vacancies. Tribal council members who are not in attendance at 3 successive tribal council meetings, or at 5 tribal council meeting during a 12-month period, shall be removed from said council by the governor, with the advice and consent of the

council. Each council member must be given at least 24 hours advance notice of said meeting by the governor. The governor may excuse tribal council members from attendance at tribal council meetings in advance of such meetings for health or other personal reasons. No member of the council shall be liable to to answer for anything spoken in debate at any council meeting.

Whenever any vacancy occurs in the office of governor, lieutenant governor, council and representative at the Legislature, there shall be a special election called by the commissioner within 60 days to fill such vacancy. The governor, lieutenant governor, council and representative at the Legislature may be removed from office by a petition showing charges and signed by a number of registered voters equal to at least a majority of the number of votes cast for tribal governor at the next preceding tribal election, and the petition is presented in writing to the governor, lieutenant governor, council and representative at the Legislature in a formal hearing called by the commissioner, and thereupon such petition shall be acted upon, provided that a majority of the persons legally registered to vote at the next preceding tribal election are present. Tribal members who have been convicted of a falony shall not be permitted to hold any tribal office, either elective or appointive.

The tribal governor shall call a general meeting of the tribe for the purpose of affirming or rejecting legislative proposals prepared by the tribal governor and council for submission to the State Legislature. Notice of the time and place of the general meeting shall be posted 7 or more days before said meeting day at the office of the tribal governor and one conspicuous place on Old Town Island. Legislative proposals that have received an affirmative vote of a majority of those present and voting at the general meeting of the tribe shall be given to the tribal representative to the State Legislature for submission to the State Legislature. No private organization, church organization, State department, cival group or individual shall submit legislation affecting the Penobscot Tribe of Indians to the State Legislature without first bringing it before the Penobscot governor and council for approval.

CHAPTER 1355 PASSAMAQUODDY TRIBE

Sec.

4831. Biennial elections.
4832. Census and membership.
4833. Applicability of provisions.

4834. Indian Township forest resources; Passamaquoddy trust funds.
4835. No sale or permits for foreigners.
4836. Certification to controller; warrants for payment.
4837. Removal of poor to reservation; reimburesment to towns.
4838. Schools.-(Repealed-see Sec. 4719)
4839. Indian Township Passamaquoddy School Committee (Repealed-see Sec. 4719)
4840. Pleasant Point Passamaquoddy School Committee. (Repealed-see Sec. 4719)

Sec.
4831. Biennial elections (As amended by C. 104, P.L. 1973)

Biennially on the even-numbered years, on the Tuesday following Labor Day in September, the Passamaquoddy Tribe of Indians shall hold their election for the choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and a tribal council to consist of 6 members of said tribe from each reservation, all of whom must be at least 18 years of age. The representative at the Legislature of this State shall be chosen alternately beween the 2 reservations. Only certified Indian members of the tribe who are 18 years of age or older shall be eligible to vote. All persons so elected shall hold office for 2 years commencing on the first day of October on the even-numbered years beginning October 1, 1968, or until their successors are elected. Whenever any vacancy occurs, the commissioner shall call a meeting of the tribe to fill such vacancy. Vacancies shall be filled through appointment by the respective tribal governor with the advice and consent of the respective tribal council. Vacancies in the office of governor or lieutenant governor of the Pleasant Point Passamaquoddy Reservation shall be filled by tribal election.

The governor shall preside over all meetings of the council and be a member ex officio. In the absence of the governor, the lieutenant governor shall preside. Four members of such council from each reservation shall constitute a quorum thereof for the purpose of conducting the affairs of the tribe on each reservation and exercising its powers and for all other purposes, notwithstanding the existance of any vacancies. At joint meetings of the tribal council from both reservations, a total of 7 council members shall constitute a quorum, with at least 3 members being present from one reservation.

The tribal governor of each reservation shall call a general meeting of all tribal members residing on the reservation for the purpose of affirming or rejecting legislative proposals prepared by the representative of the tribe for submission to the Legislature. The time and place of such meeting shall be posted 7 or more days prior to the meeting day at the office of the tribal governor and at one other conspicuous place on the reservation. All legislative proposals receiving an affirmative vote of a majority of those present and voting at such general meeting shall be given to the tribal representative to the State Legislature for submission to the Legislature.

On the first Tuesday of August biennially on the even-numbered years, the Passamaquoddy Tribe of Indians shall hold a caucus for the purpose of nominating candidates to be elected as provided in this section. Such caucus shall have the right to establish, by majority vote, rules for the conduct of the following tribal election, providing that such rules do not violate the constitutional rights of any person. The commissioner shall give notice of the time and place, 7 days before the day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Indian Township. Said commissioner or his authorized representative shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor, except that no certificate of election shall be issued less than 10 days after the election.

The governor, lieutenant governor and council members of the Pleasant Point Passamaquoddy Reservation may be removed from office by the legally registered voters from the reservation. The procedure for removal shall be as follows; Upon receipt of a petition signed by 50 persons registered to vote at the Pleasant Point Passamaquoddy Reservation seeking removal of the governor, lieutenant governor or a council member of that reservation, the commissioner shall call a special election to vote on removal of the official in question. Only persons registered to vote at the Pleasant Point Passamaquoddy Reservation shall be eligible to vote in such a removal election, and said removal election shall be held in the same manner as general tribal elections. Removal shall be accomplished by a majority vote of those voting. However, before any such removal election is held, the commissioner shall call a general meeting on the Pleasant Point Passamaquoddy Reservation and at such meeting the official whose removal is sought shall have an opportunity to hear the

charges against him and present evidence on his own behalf. Any petition seeking removal of an official shall set forth the reasons for seeking removal of such official and the official in question shall be advised of such reasons prior to the meeting called by the commissioner.

On the written application of a candidate in said election with in 7 days after election day, the commissioner shall permit him or his counsel to recount the ballots under proper protective regulations. Upon the receipt of the application, the commissioner shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount, The commissioner or his authorized representative shall preside at the recount and shall segregate any disputed ballots. Ballots may be disputed for any or all of the following reasons;

A. If more names are marked for an office than are vacancies to be filled;

B. If there are any distinguishing marks on the ballot;

C. If the ballot is marked in such a way as to make the voter's choice impossible to determine.

In no case, however, shall a ballot be dipsuted solely because of the type of mark used to indicate the voter's choice, and all votes shall be counted where the voter's intention can be clearly seen and no other reason for challenging the ballot but its type of marking, exists. If any mistake was made in counting the ballots on election day, the commissioner shall correct his tabulation. If the corrected tabulation changes the result declared on election day, the commissioner shall declare the winner as determined by the recount. The commissioner shall issue his certificate of election to the winner of a recount unless within 4 days of the said recount, the loser appeals its results in writing to the Governor and council of the State of Maine, addressed to the Secretary of State. In all cases the determination of the winner by the Governor and Council shall be final.

Sec.

4832. **Census and membership** (As amended by C. 62, P.L. 1973)

1. Census. An accurate census of the Passamaquoddy Tribe shall be taken early each January by the tribal council of each of reservation upon the best information which they can obtain as provided, stating, as nearly as may be, the name, sex and age of

each Indian as it existed on the first day of such January, each family by itself. On or before the 20th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and copies thereof to the governors and councils of each reservation of said tribe for their use. On the first Wednesday of January, annually, the council of each reservation shall hold a meeting for receiving information from such of the tribe as may attend, as to the membership of the tribe, the idenity of persons and the correctness of names; due notice in writing of the time and place of which meetings shall be given by said council. At said meeting 5 of said tribal council shall constitute a quorum thereof. If this subsection is not complied with, the commissioner for purposes of his work may use the last previous tribal census.

2. Membership. Membership in the Passamaquoddy Tribe of Indians at Indian Township may, after January 1, 1974, be acquired by birth.

3. Birth; adoption. Membership in the Passamaquoddy Tribe of Indians at Pleasant Point may, after January 1, 1974, be acquired only as follows;

A. Birth. By birth;

B. Adoption. By adoption into the tribe situated at Pleasant Point in accordance with subsections 4 and 5 of this section.

4. Adoption. The tribal council of Pleasant Point reservation at any regularly held meeting may adopt any person into the Passamaquoddy Tribe, provided that person is an Indian as defined by section 4701 and is otherwise qualified, as determined by said tribal council.

5. Certificate. Whenever said tribal council at Pleasant Point shall vote to adopt a person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the commissioner, and said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. No person adopted into the tribe shall be eligible to hold the office of governor, lieutenant governor or representative of said tribe. Every person adopted as provided in this subsection shall within one month after such adoption, or if a minor within

one month after becoming 18 years of age, make oath before the governor and council of Pleasant Point reservation, that he will demean himself as a discreet, industrious and good member of said tribe, and will faithfully fulfill the duties incumbent upon him as such member.

4833. Applicability of provisions

All the provisions of section 4770 shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the proper officer of the District Court for Northern Washington instead of the District Court for Southern Penobscot as provided in said section.

Sec.

4834. Indian Township forest resources; Passamaquoddy trust funds

The Forest Commissioner, with the consent of the 2 Passamaquoddy tribal governors and tribal councils may sell to the best advantage of the Passamaquoddy Tribe, at public or private sale, to a citizen of the State, the timber and grass from township numbered 2 on the St. Croix River, called Indian Township, expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by said Forest Commissioner to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of this oath with the commissioner. From the gross income from the sale of timber and grass the Forest Commissioner shall make payment to the Treasurer of State to be allotted the Maine Forestry District for the prevention, control and extinguishment of forest fires, a sum equal to 6¢ per acre per year for all lands within Indian Township not already paying a Maine Forestry District tax for these purposes.

At the end of each fiscal year 40% of the net income from the sale of timber and grass from Indian Township for the proceeding 12 months shall be transmitted to each of the Indian Township tribal council's and Pleasant Point tribal council's, tribal accounts, for the use as said council sees fit. Payments from said accounts of said income shall be made by the respective tribal council. The remaining 20% of such net annual income shall be placed in the Passamaquoddy Tribe Trust Funds. At the end of each fiscal year, the interest on said trust funds shall be

transferred to the Passamequoddy Tribe Trust Funds.

1835. No sale or permits for foreigners

No citizen or subject of a foreign government shall purchase, cut or carry off trees, timber or grass from the township reserved for the benefit of the Passamaquoddy tribe. If the commissioner gives to such citizen or subject a permit for such unlawful purpose, he forfits not more than $500 nor less than $100, to be recovered by a civil action, ½ to the State and ½ to the prosecutor.

1836. Certification to controller; warrents for payment

Out of the interest accuring upon the funds belonging to said tribe, the commissioner shall certify to the State Controller the amounts due to said Indians in conformity to resolves of the Legislature and any further amounts that the Legislature may appropriate, and the State Controller shall prepare warrents for the same, making all payments so far as possible direct to the person to whom such payment is due.

1837. Removal of poor to reservation; reimbursement to towns

Any member of the Passamaquoddy tribe requiring assistance may be removed by the Commissioner of Indian Affairs from any place in which he may be residing or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever in the judgement of the Commissioner of Indian Affairs such removal should be made. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this State where he is so found, the overseers of the poor of said town may send to the Commissioner of Health & Welfare a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the department with such additional statements of fact as said commissioner may think proper. The State shall reimburse said town for the relief so furnished to such extent as the Department of Health & Welfare adjudges to have been necessarily extended therefor.

1838. Schools (Repealed by 56-A, C. 571, P.L., 1973)

T. 20, C. 301-A, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 301-A to read as follows;

CHAPTER 301-A

NORTH AMERICAN INDIAN SCHOLARSHIPS

Sec.

2205. Scholarship Fund

There is established by the State of Maine a scholarship fund for the purpose of assisting North American Indians residing in Maine to obtain a secondary or post-secondary education, or both, from properly accredited institutions.

2206. North American Indians residing in Maine defined

As used in this chapter, "North American Indians residing in Maine" shall be deemed to include either those persons whose names are included upon the current tribal census of either the Passamaquoddy or Penobscot Tribes of Indians or those persons who have resided in Maine for at least 5 consecutive years and at least one of whose parents or grandparents were either included on the census of the Passamaquoddy or Penobscot Tribes or held a band member of the Malacite or Micmac Tribes.

2207. Properly accredited institutions defined

As used in this chapter, "properly accredited institutions" shall be deemed to include any and all secondary and post-secondary institutions of learning which are approved or accredited by the Department of Education of the State in which they are located or are approved or accredited by a regional association of secondary schools and colleges, or are approved for payment of tuition by the United States Veterans Administration.

2208. Application

Any student meeting the requirements of properly accredited institutions may apply for a grant, not exceeding $3,000 per year for the purpose of paying his or her tuition, room, board, books and other costs of attending any institution of learning meeting the requirements of properly accredited institutions.

2209. **Institutional grant**

Any institution that enrolls one or more grant recipient may apply for a grant, not to exceed $1,000 per enrolled grant recipient, for purpose of establishing and conducting a program of support services for said grant recipient.

2210. **Committee**

An Indian Scholarship Committee set up by the Maine State Department of Education shall, at its discretion, approve all grants under this chapter. The composition of the Indian Scholarship Committee shall be as follows;

The Supervisor of Indian Education of the Maine State Department of Education; 2 representatives of the Passamaquoddy Tribe, chosen by joint sesson of the tribal councils of Indian Township and Pleasant Point; 2 representatives of the Penobscot Tribe, chosen by the tribal council of the Penobscot Tribe; 2 representatives of the Association of Aroostook Indians, Inc. chosen by the board of directors of the Association of Aroostook Indians, Inc.; and a representative of the Chancellor of the University of Maine. The term of service of each member of the Indian Scholarship Committee shall be at the pleasure of his appointing authority.

The committee is authorized to accept funds for the scholarships provided by this chapter.

1964 **TITLE 21- ELECTIONS**

Maine Revised Statutes,
as amended

SPECIAL PROVISIONS FOR THE INDIAN VOTING DISTRICTS

Sec.
1621. Indian voting districts.
1622. ---Election procedure.

1621. **Indian voting districts**

There are continued 3 voting districts previously created as follows; Indian Island Voting District, comprising all of the Penobscot Tribal Reservation situated on islands in the Penobscot River, in the County of Penobscot; Indian Township Voting District, comprising all of the Passamaquoddy Tribal Reservation

situated on Indian Township, in the County of Washington; and Pleasant Point Voting District, comprising all of the Passamaquoddy Tribal Reservation situated on Pleasant Point, in the County of Washington.

1622. ---Election procedure

The following provisions apply to each Indian voting district;

1. Ballot and voting material. A reasonable time before any election, the Secretary of State shall furnish the registration commissioner of each district with ballots, specimen ballots, instruction posters and other materials necessary for conducting and reporting the results of the election.

2. Voting place. The commissioner of Indian Affairs shall provide a suitable building for use as a voting place for all elections. He shall equip it with voting booths, guardrails and other necessary equipment as required by this Title.

3. Registration commissioner. The Governor, with the advice and consent of the Council, shall appoint a qualified person as registration commissioner of each voting district. The commissioner shall serve for 2 years from the date of his appointment. He shall receive a salary of $30 for each day actually and necessarily employed in the performance of his duties. In case of a vacancy in the office of registration commissioner, the Governor shall make a new appointment in the same manner as the origional appointment for a full term. If there is insufficient time before the next election, in the opinion of the Governor, to obtain a person to serve, he may appoint a temporary registration commissioner to conduct that election only. The appointment of a temporary registration commissioner may be made without the advice and consent of the Council.

4. Duties of registration commissioner. The registration commissioner shall determine the constitutional qualifications of residents of his voting district who desire to register. If an applicant has been a resident of the district for 3 months, and meets the requirements of the Constitution, Article II, Section 1, the registration commissioner may permit him to register and enroll on election day.

5. Office hours. The registration commissioner shall hold office hours at the voting place, or in some other convenient lo-

cation in his district, on the Tuesday before each election from 2 to 5 p.m. and from 7 to 9 p.m. for the purpose of registering and and enrolling Indian voters.

6. Procedure at election. The registration commissioner shall act as a warden, ward clerk and clerk and shall perform all their duties in the conduct of the election. He shall appoint 2 election clerks, if available and qualified, who are Indian residents of the district, and who represent the 2 major parties from candidates nominated by the chairman of the county political committee. Each election clerk shall receive $20 per day.

7. Election notified. The registration commissioner shall notify each election by issuing a warrant and posting attested copies of it in at least 2 conspicuous, public places in the district. The copies of the warrant shall be posted at least 7 days before the election, and an attested copy with the return of the registration commissioner stating the manner of notice, and the time it was given, shall be filed by him in the office of the Secreretary of State before the day of the election for which the warrant was issued.

8. Law applicable. Registration, enrollment and the conduct of the election is governed by this Title, except as otherwise provided by this section.

9. Election return. After the votes have been sorted, counted and the ballots preserved according to this Title, the election clerks shall fill out the election return, the registration commissioner shall attest it and deliver it promptly to the office of the Secretary of State.

10. Compensation. After each election, the registration commissioner shall prepare an itemized bill stating the amount due him and the election clerks. He shall submit the bill to the Commissioner of Indian Affairs, who shall pay it from funds appropriated by the State for support of the Indian tribes.

ELECTIONS

State Representatives & Senators
(Indian Voting Districts Apportioned)

REPRESENTATIVE CLASS DISTRICTS (P. & S. L., 1963, c. 233, s1, amended.)

39

Sec. 1. Apportionment of Representatives to the Legislature for the 102nd Legislature to and including that of the year 1972:

.....The County of Penobscot shall choose 19 Representatives to be apportioned as follows: Bangor, 5 Rperesentatives; Brewer, one Representative; Old Town, one Representative; Millinocket, one Representative; Corinna, Exeter, Newport and Stetson, one Representative; Hampden and Newburgh, one Representative; Carmel, Dixmont, Etna, Hermon, Levant and Plymouth, one Representative; Dexter and Garland, one Representative; Alton, Bradford, Charleston, Corinth, Edinburg, Glenburn, Hudson, Kenduskeag, Veazie and the Unorganized Township of Argyle, one Representative; Clifton, Eddington, Houlton and Orrington, one Representative; Orono, one Representative; Bradley, Enfield, Howland, Legrange, Maxfield, Milford and Seboeis Plantation, one Representative; Lincoln, one Representative; Burlington, Chester, Greenbush, Greenfield, INDIAN ISLAND VOTING DISTRICT, Lee, Lowell, Mattawamkeag, Passadumkeag, Springfield, Winn, Woodville, Carroll Plantation, Drew Plantation, Grand Falls Plantation, Lakeville Plantation, Prentiss Plantation, Webster Plantation and the Unorganized Township of Kingman, one Representative; East Millinocket, Medway, Patten, Stacyville, Mount Chase Plantation and the Unorganized Townships of Grindstone, Herseytown and Soldiertown, one Representative.

.....The County of Washington shall choose 5 Representatives to be apportioned as follows: Addison, Beals, Beddington, Centerville, Cherryfield, Colombia, Colombia Falls, Deblois, Harrington, Milbridge, Steuben and Whitneyville, one Representative; East Machias, Jonesboro, Jonesport, Machias, Machiasport, Marshfield, Northfield, Roque Bluffs and Wesley, one Representative; Cooper, Crawford, Cutler, Dennysville, Lubec, Pembroke, Whiting, No. 14 Plantation and the Unorganized Township of Edmunds, Marion and Trescott, one Representative; Alexander, Charlotte, Danforth, Eastport, INDIAN TOWNSHIP VOTING DISTRICT, Robbinston, Talmadge, Topsfield, Vanceboro, Waite, Codyville Plantation, Grand Lake Stream Plantation, No. 21 Plantation and the Unorganized Townships of Brookton, Forest City, Indian Township, Kossuth, Lambert Lake, 10 R-3 and 27 E.D., one Representative; Baileyville, Calais, Princeton and Baring Plantation, one Representative.

SENATORIAL DISTRICTS (by: Supreme Judicial Court - Feb. 1, 1972 & Feb. 29, 1972)

Apportionment of Senate

..... Supreme Judicial Court, ...does hereby in making the apportionment cause the State to be divided into districts for the choice of Senators, and does hereby Order and Establish the following districts, each of which shall elect one Senator:

.....District Number Twenty-seven, consisting of the municipalities and unorganized territories in Penobscot and Aroostook Counties are as follows: Penobscot County; Alton, Bradford, Burlington, Charleston, Corinth, Edinburg, Enfield, Glenburn, Greenbush, Greenfield, Howland, Hudson, Indian Ilsand Voting District, Kenduskeag, Lagrange, Lee, Levant, Lincoln, Lowell, Mattawamkeag, Maxfield, Old Town, Passadumkeag, Springfield, Winn, Plantations of Carroll, Drew, Grand Falls, Lakeville, Prentiss, Webster and the unorganized townships of Argyle, Kingman and other unorganized territories. Aroostook County; Benedicta, Island Falls, Sherman, Plantations of Glenwood, Macwahoc, Reed and the unorganized territories of Silver Ridge Township, TAR2, TAR5 (Molunkus), TIR4, TIR5, T2R4, T3R2, T3R3, T3R4 and T4R3.

Appointment of Senate

.....District Number Twenty-nine consisting of all municipalities and unorganized territories in Washington County, (INDIAN TOWNSHIP VOTING DISTRICT, PLEASANT POINT VOTING DISTRICT) and Amity, Bancroft, Hayneville, Orient and Weston in Aroostook County.

ELECTIONS - - CONSTITUTION OF MAINE

ELECTORS - State, County and National Elections (ARTICLE II, Sec. 1, as amended)

Sec.

1. Every citizen of the United States of the age of eighteen years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State for the term of six months next preceding any election, shall be an elector for Governor, Senat, ors and Representatives, in the city, town or plantation where his or her residence has been established for the term of

three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this State during such period, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot. But persons in the military, navel or marine service of the United States, or this State; shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of student at any seminary of learning entitle him to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his absence from the State in the military service of the United States, or of this State.

No person shall have the right to vote or be eligible to office under the Constitution of this State, who shall not be able to read the Constitution in the English language, and write his name; provided, however, that this shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on the fourth day of January in the year one thousand and eight hundred and ninety-three.

Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.*

(*Amendment approved 9/21/54)

TITLE 12 FORESTRY

M.R.S. 1964, as amended

Sec. 516. **Duties of foresters**

Foresters under the direstion of the commissioner shall provide technical guidance and service to small woodland owners and processors to bring about improvement in the growing, harvesting, marketing and utilization of forest products.

Whenever foresters are used to practice forest management on lands belonging to the State and on Township numb-

ered 2 on the St. Croix River, called the Indian Township, reimbursement for the time and expenses of the foresters, advertising of stumpage and similar expenses incidental thereto shall be deducted from the income received from the sale of stumpage before it is credited to the department that has administration of said lands.

TITLE 12 ISLAND FISH AND GAME (As amended by C. 90, 92, 244 & 259,) (P.L. 1973)

Sec.

1960.-A **Trapping season for Passamaquoddy & Penobscot Tribes.**

2401. & 2401.-B **Licenses and permits.**

2402. **Trapping by non-Indian forbidden**

Sec.

1960.-A **Trapping Season for Passamaquoddy & Penobscot Tribes**

There shall be an open season on muskrats from October 1st to May 10th on all lands and islands belonging to the Passamaquoddy Tribe of Indians. It shall be unlawful for any person not a member of said Passamaquoddy Tribe to trap muskrats during such open seasons on said Indian lands.

There shall be an open season for the trapping of beaver during the months of December, January and February of each year on all lands and islands belonging to the Passamaquoddy Tribe of Indians. It shall be unlawful for any person not a member of said Passamaquoddy Tribe to trap beaver during such open season on said Indian lands.

2401.-B Licenses and permits (Subsection 1-6 does not apply)

7. Licenses for Indians. The commissioner (Inland Fisheries and Game) shall issue a hunting, trapping and fishing license to any Indian over the age of 10 years of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a certificate from the Commissioner of Indian Affairs Stating that the person described is an Indian and a member of that tribe. For the purpose of this section, an Indian shall be any member on the tribal lists of the Penobscot and Passamaquoddy Tribes, or a person on the membership list of the Association of Aroostook Indians and who has resided in the State of Maine for at least 5 years. Holders of such licenses shall

be subject to all of the laws, rules and regulations of chapters 301 to 335.**

A. Nothing in said chapters shall be construed to encrouch upon the right of said Indians to take wild life for their own sustenance on their own reservation lands.

After having had full consulatition with and the consent of of the Commissioner of Inland Fisheries and Game, the tribal governor and council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping on their respective reservation lands. Copies of the text of any ordinances adopted shall be filed with the Commissioner of Inland Fisheries and Game and in any and all instances not covered by tribal ordinance the inland fish and game laws of Maine shall apply.

B. It shall be unlawful for any person, except Penobscot Indians as defined in Title 22, chapter 1353, to hunt or trap on the Penobscot Indian lands, except by permission of landowners. Whoever violates this paragraph shall be punished by a fine of $100 or by imprisonment for not more than 30 days, or by both.

C. It shall be unlawful for any person, except members of the Passamaquoddy Tribe of Indians as defined in Title 22 sections 4701 and 4832, to hunt, trap or fish on any reservation lands of said tribe without written permission from the governor and council of the appropriate Passamaquoddy reservation. Whoever violates this paragraph shall be punished by a fine of $100 or by imprisonment for not more than 30 days, or by both.

2402. **Trapping by non-Indian forbidden**

It shall be unlawful for any person not a member of the Passamaquoddy Tribe of Indians to trap for muskrat and beaver on all lands and islands belonging to the Passamaquoddy Tribe of Indians.

s 3797 **HEALTH & WELFARE, CHAPTER 426 FOSTER HOMES**
Sub-s-1-A (R.S.,T. 22)
additional 1-A. Indian reservations. Subsection, I, shall also apply to homes or day care facilities located upon Indian reservations. The department shall consider for licensure such facilities as are recommended by the Governor and tribal

council of the reservations on which they are located.

M.R.S. 1964 **TITLE 23 HIGHWAY**
(As amended by Sec. 22, C. 593, P.L. 1971 and Sec. 1, C. 277, P.L. 1973)

Sec. 1051. Part of State highway system.
1052. Maintenance of roads and bridges.
1053. Fund available.
*. Kennebassis Road

Sec. 1051. **Part of state highway system** (As amended by C. 277, P.L. 1973)

The Department of Transportation is directed to take over as a part of the state highway system all the roads on Indian Island, Penobscot County, in Pleasant Point and Indian Township in Washington County, and the bridge between Indian Island and Old Town. Said roads and bridge may be reconstructed from time to time as in the judgement of the Department is necessary, and the expense thereof, except as otherwise provided in section 1053, shall be paid from funds available for the construction of state highways.

Additional roads and streets at Pleasant Point and Indian Township proposed by the Pleasant Point and Indian Township Passamaquoddy Reservation Housing Authorities shall be a part of the state highway system if there is a dedication of sufficient land by appropriate authority. The housing authority shall obtain approval from the Commissioner of Transportation for its plans of the proposed roads and streets before dedication. The Department of Transportation shall accept the roads and streets set fourth on the approved plans when it finds there has been a lawful dedication of the land designated on the plans. The Department of Transportation is authorized to accept funds, other than funds allocated for the construction of state highways, that may be authorized for implementing the housing authority plans for development, and to contract and do all things necessary to cooperate with other governmental agencies in the construction or the maintence of these roads and streets.

Sec. 1052. **Maintenance of roads and bridges**

The roads and bridges referred to in section 1051 shall be

maintained by the Department and the expense thereof charged to such funds under the jurisdiction of the commission as are available for the purpose of maintaining state highways.

1053. **Fund Available**

The Department shall each year set aside from the fund available for the construction of state aid roads the sum of $1,500, and the same shall be expended for the construction of state roads in Indian Township 2, R. 1.

RESOLVE, Designating Kennebassis Road in Indian Township, Washington County, as a State Road. (C. 57, Resolves 1973)

Kennebassis Road, Indian Township; designated. Resolved: That the Department of Transportation be authorized and directed to designate as State Highway so much of Kennebassis Road, Indian Township, Washington County, which leads easterly from U.S. Route 1, as may be dedicated by appropriate authority and easements for highway use be granted by the abutting owners at the location and a width and lenghth as may be approved by the Commissioner of Transportation from time to time; and be it further RESOLVED: That there is allocated from the General Highway Fund the sum of $15,000 for the fiscal year ending June 30, 1974 for purpose of improving said highway as designated by this resolve. Any unexpended balance shall not lapse but shall remain a continuing carrying account until the purpose of this resolve has been accomplished.

LEGISLATURE - INDIAN REPRESENTATIVES

ELECTION of Tribal Representatives at Legislature:
Penobscot Tribe - See TITLE 22 - 4792 (Page 15)
Passamaquoddy Tribe - See TITLE 22 - 4831 (Page 17)

Sec. 2 **TITLE 3 LEGISLATURE - GENERAL PROVISIONS**
(As amended M.R.S. 1964)

Salary, expenses and travel of members of Legislature and Representatives of Indian tribes

..... The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the biennial assembly of the Legislature

shall receive a compensation of $1500 for such attendance and travel at each legislative session for 20 trips to and from his place of abode at the same rate as state employees receive, and allowance for meals and housing expenses as any other member of the Senate and House of Representatives for 20 days attendance at each legislative session.

Sec. 103. **Unincorporated Places** (As amended by M.R.S. 1964)

Upon petition signed by 20% or more of the voting age residents in an unincorporated place requesting a vote on local option questions, the Secretary of State shall forthwith appoint a time and place, give public notice in the same manner as provided for notice in section 252 and cause a vote on such questions to be taken in such unincorporated place under his supervision and subject to such rules and regulations as he shall promulgate. Voting age residents in an unincorporated place shall be as shown by returns to the State Tax Assessor dated April 1, 1971, which returns shall be deposited by the Tax Assessor in the Secretary of State's office. Voting age Indian reservation residents shall be determined from annual tribal census.

TITLE 29 MOTOR VEHICLES (As amended by M.R.S., 1964)

Sec. 193. **SPECIAL LICENSE PLATES for Indian Representatives State Officials**

The Secretary of State shall, upon application therefor by .....members of the Legislature, Representatives of Indian Tribes at the Legislature, ...issue one pair of specially designed number plates and a certificate of registration for one designated motor vehicle owned or controlled by each of the officials names. The color, shape, size, lettering and numbering of such special plates shall be determined by the Secretary of State, ...Such plates shall be issued for and attached to only such motor vehicle as is currently registered in accordance with this Title. Such special plates may be displayed in lieu of the regular number plates issued for such vehicles. A fee of $2 shall be paid to the Secretary of State upon application. Such special number plates shall be valid only during the term of office for which the registrant is elected. In case the office is for any cause vacated during said term, such special number plates and registration certificate

shall be immediately surrendered to the Secretary of State.

TITLE 36 MOTOR VEHICLES (Poll & Excise Taxes)
(As amended by M.R.S., 1964)

Sec. 654. Estates of certain persons
Sec. 1484. Excise Taxes, place of payment
Sec. 1487. Collection of Tax

Sec. 654. Polls and estates of certain persons (As amended by C. 66; Sec. 8, P.L. 1973)

The estates of the following persons are exempt from taxation:

1. Polls and estates of certain persons
   A. .....
   B. .....
   C. The estates of only those Indians who reside on tribal reservations

Sec. 1484. Excise Taxes-place of payment

The excise tax on a vehicle shall be paid in accordance with the following:

1. .....
2. House and camp trailers
   A. .....
   B. .....
   C. The excise tax for house trailers owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.
3. Motor vehicles
   A. If the motor vehicle is owned by an individual resident of this State, or a domestic corporation, the excise tax shall be paid in the place where the owner resides; the excise tax for motor vehicles owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.

Sec. 1487. Collection of Tax

1. .....
2. .....
3. Tribal clerk. Excise taxes of residents of the various Indian reservations shall be paid to the tribal clerks thereof

who shall hold and disburse the proceeds for the benefit of the respective tribes in accordance with Title 22, Section 4706.

MISCELLANEOUS PROVISIONS

PENOBSCOT INDIAN BAPTIST CHURCH (P. & S.L. 1965, C. 119)

Purchase of certain land on Indian Island.

The Penobscot Indian Baptist Church, Incorporated, a corporation organized and existing by law and having its principal place of business at Indian Island, City of Old Town, County of Penobscot, is authorized to purchase the following described parcel of land, with the buildings thereon, situated in Old Town, Indian Island Number One.

Said lot being the eastern part of Lot Number 49 according to Sewall's survey of said Indian Island Number One. This lot of land is the entire width of the lot on Centre Street so-called, on said Island, and extends back at right angles to Centre Street sixty (60) feet. Being same premises conveyed to Louis Nicholas Gould, also known as Lewis Gould, by quitclaim deed of Raymond Susep and Ida Gould dated May 13, 1942 recorded in Penobscot Registry of Deeds, Indian Records, Book 2, Page 302.

****

PUBLIC DUMP - Indian Township (M.R.S. 1964, as amended Title 30)

Sec. 1202. Assessment for public services tax

The county commissioners of Washington County are authorized, on behalf of the inhabitants of Trescott, Marion and Edmunds Townships, to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, and public dumps for said townships. Said commissioners are authorized on behalf of the inhabitants of Lambert Lake, Forest City, INDIAN TOWNSHIP and Brookton Townships to enter into similar contracts or to take similar steps to provide public dumps for said townships. .....

CONSTITUTION OF MAINE - ARTICLE IX (Trust Funds)

Sec. 14. The credit of the State shall not be directly or indirectly loaned in any case, except as provided in section 14-A. The

Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, Which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed two million dollars, except to suppress insurrection, to repel invasion, or for purposes of war; and excepting also that whenever two-thirds of both Houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action; but this shall not be construed to refer to any money that has been, or may be deposited with this State by the Government of the United States, or to any fund which the State shall hold in trust for any Indian tribe. Whenever ratification by the electors is essential to the validity of bonds to be issued on behalf of the State, the question submitted to the electors shall be accompanied by a statement setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued, and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors be ratified.

CONSTITUTIONAL RESOLUTION (Chapter 3 of the Resolves of 1971)

Constitution, Article IX amended, Section 14-D, additional.

Sec.
14-D. Insuring payment of mortgage loans for Indian housing. For the purpose of fostering and encouraging the acquisition, construction, repair and remodeling of houses owned or to be owned by members of the 2 tribes on the several Indian reservations, the Legislature by proper enactment may insure the payment of mortgage loans on such houses not exceeding in the aggregate $1,000,000. in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid. (This amendment was voted upon favorably in November, 1972's general election).

ARTICLE 7-A. HOUSING MORTGAGE INSURANCE LAW
(R.S., T. 30, c. 239, sub-c. II, Art. 7-A, added by c. 618 of P.L. 1973)

Sec. 4784. **Short title**

This Article shall be known and may be cited as the "Housing Mortgage Insurance Law."

Sec. 4785. **Declaration of purpose**

The Constitution of Maine, Article, IX, section 14-D, provides for "Insuring payment of mortgage loans for Indian housing for the purpose of fostering and encouraging the acquisition, construction, repair or remodeling of houses owned by members of the 2 tribes on the several Indian reservations." It is the purpose of this Article to designate the State Housing Authority as the state agency responsible for implementing the powers provided by the Constitution in Article IX, section 14-D.

Whereas the power of the Maine State Housing Authority to insure mortgages on housing, other than Indian housing, needs clarification, and whereas the Maine State Housing Authority is the appropriate agency of the State to administer a State housing Mortgage Insurance Program and could administer it in conjunction with the Indian Housing Mortgage Insurance Program, it is the further purpose of this Act to provide that clarification.

Sec. 4786. **Definitions**

As used in this Article, unless the context otherwise indicates, the following words shall have the following meanings.

1. Housing. "Housing" shall include but not be limited to any "project" or "housing project" as defined in section 4552, subsection 12.

2. Housing Mortgage Insurance Fund. "Housing Mortgage Insurance Fund" means any fund established by the Maine State Housing Authority for the purpose of providing insurance for payment of Mortgage loans for housing in Maine.

3. Indian Housing Mortgage Insurance Fund. "Indian Housing Mortgage Insurance Fund" means any Housing Mortgage Insurance Fund established by the Maine State Housing Authority in cooperation with the Indian Housing Authorities for the purpose of providing insurance for payment of mortgage loans for housing on the several Indian reservations.

4. Indian Housing Authority. "Indian Housing Authority" means any housing authority created by the Maine Indian Housing Authority law.

Sec.
4787. **Insurance policies**

1. Contracts. The Maine State Housing Authority is authorized to establish housing mortgage insurance contracts, to charge and collect premiums, to make appropriate payments and to do all other things necessary and proper to administer A State Housing Mortgage Insurance Program.

2.--procedure. When providing mortgage insurance on Indian housing, the Maine State Housing Authority shall develop the various contracts and other aspects of the program in cooperation with the Indian Housing Authorities and shall deal with insurance purchases exclusively through the agency of the Indian Housing Authorities or a person acceptable to the Indian Housing Authorities.

Sec.
4788. **General obligation bonds for Indian Housing Mortgage Insurance**

The Maine State Housing Authority is authorized to issue up to $1,000,000. in state general obligation bonds for the purpose of providing funds to pay any necessary and proper costs or charges arising for any reason, including default of any policy issued pursuant to section 4787, subsection 2, and incurred as a result of its insuring or undertaking to insure payment of mortgages for Indian housing on an Indian reservation.

Proceeds from said bond issuance may not be used as collateral, payment or in any other way to assist any insurance of mortgages on other than Indian housing on Indian reservations. Administrative funds used to assist in the management of an Indian Housing Mortgage Insurance Fund or Program may be commingled with administrative funding for other Housing Mortgage Insurance Funds or programs operated or to be operated by the Maine State Housing Authority.

Proceeds from said bond issuance shall be accounted for separately from the general assets of any other housing insurance fund and separately from any other funds operated at any time by the Maine State Housing Authority, its success-

ors, assigns or trustees. Said separate accounting shall be maintained even if funds are commingled for investment purposes by the Authority or by a trustee of any fund operated by or for the Authority.

Sec. 4959. **Zoning-Municipal-Indian Lands.** (c. 521, P.L. 1969, M.R.S.-T.30, Sec. 4959 addit.)

No municipality which borders on Indian tribal lands shall enact a zoning ordinance which adversely affects such Indian Tribal lands.

H.P. 976 - L.D. 1290 (C. 130, P.L. 1973)

AN ACT to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Developement within the Department of Indian Affairs.

* * * * * * * * * * * *

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Findings; purpose. The Legislature finds and declares that the Department of Indian Affairs is presently unable because of lack of funds, to effectively advise Indians residing off-reservation in the State of Maine who desire such information of existing services and programs available to them.

The Legislature further finds and declares that the advancement of such programs to such off-reservation Indians who desire to participate therein would help to generate income for such Indians and improve their social and economic welfare.

Sec. 2. Department of Indian Affairs; appropriation. There is appropriated from the General Fund to the Department of Indian Affairs the sum of $31,145 for the fiscal year ending June 30, 1974 and the sum of $28,700 for the fiscal year ending June 30,1975 for the purpose of creating an office of Off-reservation Indian Developement. Said office of Off-reservation Indian Developement shall not advice or render services, or attempt to advise or render services, to off-reservation Indians who do not desire such advice or services. The breakdown shall be as follows:

	1973-74	1974-75
INDIAN AFFAIRS, DEPARTMENT OF		
Personal Services	(2) $15,800	(2) $15,800
All Other	12,900	12,900
Capital Expenditures	2,445	--------
	$31,145	$28,700

APPENDIX

INDIAN TREATIES WITH THE STATES

OF

MASSACHUSETTS AND MAINE

As printed in the Session Laws of 1843)

(Originals in Vault of the Bureau of Archives)

ACT OF SEPARATION

1820

(From Revises Statutes - 1841)

p. 50 blank

INDIAN TREATIES

with the

STATE OF MAINE

(As printed in the Session Laws of 1843)

IN COUNCIL, March 20, 1843.

Ordered, That the secretary of state be requested to cause the treaties, bonds and other documents, now on file in the secretary's office, in relation to the Penobscot and Passamaquoddy tribes of Indians, necessary to be preserved as evidence of their title to their lands, and their claims against the state, to be printed with the resolves for the year 1843.

CYRUS MOORE, per order.

Read and passed.

ATTEST: P. C. JOHNSON, Sec'y of State

Treaty made by the Commonwealth of Massachusetts with the Penobscot Tribe of Indians, June 29, 1818

This writing indented and made this twenty ninth day of June, one thousand eight hundred and eighteen, between Edward H. Robbins, Daniel Davis and Mark Langdon Hill, Esqs., commissioners appointed by his excellency John Brooks, governor of the commonwealth of Massachusetts, by and with the advice of council, in conformity to a resolve of the legislature of said commonwealth, passed the thirteenth day of February, A. D. one thousand eight hundred and eighteen, to treat with the Penobscot tribe of Indians, upon the subject expressed in said resolve, on the one part; and the said Penobscot tribe of Indians, by the undersigned chiefs, captains and men of said tribe, representing the whole thereof, on the other part, Witnesseth, That the said Penobscot tribe of Indians, in consideration of the payments by them now received of said commissioners, amounting to four hundred dollars, and of the payments hereby secured and engaged to be made to them by said commonwealth, do hereby grant, sell, convey, release and quitclaim, to the commonwealth of Massachusetts, all their, the said tribes, rights, title, interest and estate, in and to all the lands they claim, occupy and possess by any means whatever on both sides of the Penobscot river, and the branches thereof, above the tract of thirty miles in length on both sides of said river, which said tribe conveyed and released to said commonwealth by their deed of the eighth of August, one

thousand seven hundred and ninety six, excepting and reserving from this sale and conveyance, for the perpetual use of said tribe of Indians, four townships of land of six miles square each, in the following places, viz:

The first beginning on the east bank of the Penobscot river, opposite the five islands, so called, and running up said river according to its course, and crossing the mouth of the Mattawkeag river, an extent of six miles from the place of beginning, and extending back from said river six miles, and to be laid out in conformity to a general plan or arrangement/which shall be made in the survey of the adjoining townships on the river-one other of said townships lies on the opposite or western shore of said river, and is to begin as nearly opposite to the place of beginning of the first described township as can be, having regard to the general plan of the townships that may be laid out on the western side of said Penobscot river, and running up said river according to its course, six miles, and extending back from said river six miles. Two other of said townships are to begin at the foot of an island, in West branch of Penobscot river in Nolacemeac lake, and extending on both sides of said like, bounding on the ninth range of townships, surveyed by Samuel Weston, Esq., which two townships shall contain six miles square each, to be laid out so as to correspond in courses with the townships which now are, or hereafter may be surveyed on the public lands of the state. And the said tribes do also release and discharge, said commonwealth from all demands and claims of any kind and description, in consequence of said tribe's indenture and agreement made with said commonwealth, on the eighth day of August, one thousand seven hundred and ninety six, by their commissioners, William Sheppard, Nathan Dane, and Daniel Davis, Esquires; and we the under signed commissioners on our part in behalf of said commonwealth, in consideration of the above covenants, and release of the said Penobscot tribe, do covenant with said Penobscot tribe of Indians, that they shall have, enjoy and improve all the four excepted townships described as aforesaid, and all the islands in the Penobscot river above Oldtown and including said Oldtown island. And the commissioners will purchase for their use as aforesaid, two acres of land in the town of Brewer, adjoining Penobscot river, convenient for their occupation, and provide them with a discreet man of good moral charactor and industrious habits, to instruct them in the arts of husbandry, and assist them in fencing and tilling their grounds, and raising such articles of production as their lands are suited for, and as will be most beneficial for them, and will erect a store on the island

of Oldtown, or contiguous thereto, in which to deposit their yearly supplies, and will now make some necessary repairs on their church, and pay and deliver to said Indians for their absolute use, within ninety days from this date, at said island of Oldtown, the following articles viz: one six pound cannon, one swivel, fifty knives, six brass kettles, two hundred yards of calico, two drums, four fifes, one box pipes, three hundred yards of ribbon, and that annually, and every year, so long as they shall remain a nation, and reside within the commonwealth of Massachusetts, said commonwealth will deliver for the use of said Penobscot tribe of Indians at Oldtown aforesaid, in the month of October, the following articles viz: five hundred bushels of corn, fifteen barrels of wheat flour, seven barrels of clear pork, one hogshead of molasses, and one hundred yards of double breadth broadcloth to be of red color one year, and blue the next year, and so on alternately, fifty good blankets, one hundred pounds of gunpowder, four hundred pounds of short, six boxes of chocolate, one hundred and fifty pounds of tobacco, and fifty dollars in silver. The delivery of the articles last aforesaid to commence in October next, and to be divided and distributed at four different times in each year among said tribe, in such manner as that their wants shall be most essentially supplied, and their business most effectually supported. And it is further agreed by and on the part of said tribe, that the said commonwealth shall have a right at all times hereafter to make and keep open all necessary roads, through any lands hereby reserved for the future use of said tribe. And that the citizens of said commonwealth shall have a right to pass and repass any of the rivers, streams, and ponds, which run through any of the lands hereby reserved, for the purpose of transporting their timber and other articles through the same.

In witness whereof, the parties aforesaid have hereunto set our hands and seal.

Edw'd H. Robbins. (Seal.)
Dan'l Davis. (Seal.)
Mark Langdon Hill. (Seal.)
his
John X Etien, Governor. (Seal.)
mark
his
John X Neptune, Lt. Governor (Seal.)
mark
his
Francis X Lolon. (Seal.)
mark

Nicholas Neptune, (Seal.)

his
Sock X Joseph, Captain (Seal.)
mark

his
John X Nicholas, Captain. (Seal.)
mark

his
Etein X Mitchell, Captain. (Seal.)
mark

his
Piel X Marie. (Seal.)
mark

his
Piel X Peruit, Colo. (Seal.)
mark

his
Piel X Tomah. (Seal.)
mark

Signed, sealed and delivered
in presence of us:
Lothrop Lewis,
Jno. Blake
Joseph Lee,
Eben'r Webster,
Joseph Whipple.

PENOBSCOT, ss. - June 30, 1818. Personally appeared the aforenamed Edward H. Robbins, Daniel Davis, and Mark Langdon Hill, Esquires, and John Etien, John Neptune, Francis Lolon, Nicholas Neptune, Sock Joseph, John Nicholas, Etien Mitchell, Piel Marie, Piel Penuil, and Piel Tomah, subscribers to the aforegoing instrument, and severally acknowledged the same to be their free act and deed.

BEFORE ME,

WILLIAM D. WILLIAMSON, Justice of the Peace.

PENOBSCOT, ss. Received July 1, 1818, and recorded in book, N. 4, page 195, and examined by

JOHN WILKINS, Register.

Copy examined.

A. BRADFORD, Secretary
of commonwealth of Massachusetts

TREATY MADE WITH THE PENOBSCOT TRIBE OF INDIANS,

AUGUST 17, 1820

Whereas, The state of Maine by her commissioner, Lothrop Lewis, Esq., has engaged to assume and perform all the duties and obligations of the commonwealth of Massachusetts, towards us and our said tribe, whether the same arise from any writing of indenture, treaty or otherwise at present existing; and whereas said state of Maine has obtained our consent and that of our said tribe to said assumption and arrangement-now know all people to whom these presents shall come, that we whose hands and seals are hereunto affixed, for and in behalf of ourselves and the Penobscot tribe of Indians, so called, to which we belong and which we represent, in consideration of the premises, do hereby release to said commonwealth of Massachusetts all claims and stipulations of what name or nature soever, which we or all or any of us or our said tribe have on or against said commonwealth, arising under any writing of indenture, treaty, or otherwise, existing between said commonwealth of Massachusetts, and said Penobscot tribe of Indians.

In witness whereof, we the undersigned chiefs, captains and men of said tribe, representing the whole thereof, have hereunto set our hands and seals this seventeenth day of August, in the year of our Lord one thousand eight hundred and twenty.

Governor John his X mark Etien. (L.S.)

Lieut. Governor John his X mark Neptune. (L.S.)

Francis his X mark Lolan, Captain (L.S.)

Captain Etien his X mark Mitchell. (L.S.)

his
Piel X Mitchell, Capt. (L.S.)
mark
his
Sock X Sosep, Capt. (L.S.)
mark
his
Piel X Marie, Captain. (L.S.)
mark
his
Suasin X Neptune, Capt. (L.S.)
mark
his
Awasoos X Mitchell, Capt. (L.S.)
mark
his
John X Ossou, Capt. (L.S.)
mark
his
Joseph X Marie Neptune, Esq. (L.S.)
mark
his
Joseph X Lion (L.S.)
mark
his
Glocian X Awasoos. (L.S.)
mark
his
Capt. Nicholas X Tomah. (L.S.)
mark
his
Sabattis X Tomah. (L.S.)
mark

Signed, sealed and delivered
in presence of us:
William D. Williamson,
Joseph Treat,
Ebenezer Webster,
William Emerson,
Stephen L. Lewis,
John Blake,
Eben Webster.

PENOBSCOT, ss.-August 17, 1820. Personally appeared the aforenamed John Etien, John Neptune, Francis Lolon, Etien Mitchell, Piel Mitchell, Sock Joseph, Peil Marie, Suassin Neptune, Awasoos Mitchell, John Ossou, Joseph Marie Neptune, Joseph Lion, Glocian Awasoos, Nicholas Tomah and Sabattis Tomah, subscribers to the foregoing instrument, and severally acknowledged the same to be their free act and deed.

BEFORE ME,

WM. D. WILLIAMSON, Justice Peace.

COMMONWEALTH OF MASSACHUSETTS,

Secretary's Office, May 19, 1823.

I hereby certify that the original instrument of release from the chiefs, captains, and others of the Penobscot tribe of Indians, for and in behalf of themselves and of the said tribe, of which the above and foregoing is a true copy, has been this day received and filed in this office.

ALDEN BRADFORD,
Secretary of the Commonwealth.

TREATY MADE WITH PENOBSCOT TRIBE OF INDIANS,

AUGUST 17, 1820

This writing, indented and made this senenteenth day of August in the year of our Lord one thousand eight hundred and twenty, by and between Lothrop Lewis of Gorham in the county of Cumberland and state of Maine, esquire, commissioner, appointed by William King, Esquire, governor of said state, by and with the advice and consent of the council, in conformity to a resolve of the legislature of said state passed the twentieth day of June, in the year of our Lord one thousand eight hundred and twenty, to treat with the Penobscot tribe of Indians in said state, upon the subject expressed in said resolve, on the one part; and the said Penobscot tribe of Indians, by the undersigned, chiefs, captains and men of said tribe, representing the whole thereof on the other part; Witnesseth; That, the said Penobscot tribe of Indians, in consideration of the covenants and agreements, hereinafter mentioned, on the part of said commissioner, in behalf of said state, to be performed, kept and fulfilled, do hereby grant, sell convey, release and quitclaim, to said state, all their, the said tribe's

right, title, interest and estate, in and to all the lands and possessions, granted, sold and conveyed by us, to the commonwealth of Massachusetts, by our writing of indenture, made with said commonwealth by their commissioners, the honorable Edward H. Robbins, Daniel Davis and Mark L. Hill, Esqiures, June the twenty ninth, in the year of our Lord one thousand eight hundred and eighteen, saving and excepting, the reservations, in said indenture made and expressed. Meaning and intending hereby, to substitute and place, the said state of Maine, in the stead and place, of the said commonwealth of Massachusetts, to all intents and purposes whatsoever, as it regards said indenture last mentioned, with the said tribe of Indians, so that all and singular, the lands, rights, immunities or privileges, whatsoever, which said commonwealth of Massachusetts did, might, or could hold, possess, exercise and enjoy, under or by virtue of said indenture, or treaty, by any other indenture, treaty or agreement whatsoever, shall be held, possessed, exercised and enjoyed in as full and ample a manner by said state of Maine.

And the undersigned commissioner, on his part, in behalf of said state of Maine, in consideration of the premises, and of the foregoing covenants and engagements of said tribe, does hereby covenant with said tribe, that they shall have and enjoy, all the reservations made to them, by virtue of said treaty of the twenty ninth of June, eighteen hundred and eighteen. And the undersigned commissioner, in behalf of said state of Maine, does hereby further covenant and agree with said tribe, that, as soon as the commonwealth of Massachusetts, shall have made and fulfilled the stipulations on her part to be done and performed, under and by virtue of the fifth article of an act, "relating to the separation of the district of Maine from Massachusetts proper, and forming the same into an independent state," passed June the nineteenth, eighteen hundred and nineteen, then the said state of Maine, shall and will, annually, and every year, in the month of October, so long as they shall remain a nation, and reside within the said state of Maine, deliver for the use of the said Penobscot tribe of Indians, at Oldtown, the following articles; to wit: five hundred bushels of corn, fifteen barrels of wheat flour, seven barrels of clear pork, one hogshead of molasses, and one hundred yards of double breadth broadcloth, to be of red color, one year, and blue the next year, and so on alternately, fifty good blankets, one hundred pounds of gunpowder, four hundred pounds of shot, six boxes of chocolate, one hundred and fifty pounds of tobacco, and fifty dollars in silver.

It being meant and intended, to assume and perform, all the

duties and obligations of the commonwealth of Massachusetts, toward the said Indians, whether the same arise from treaties or otherwise, and to substitute and place, the said state of Maine in this respect, to all intents and purposes whatsoever, in the stead and place of the commonwealth of Massachusetts, so that said tribe may have continued to them, all the payments, and enjoy all the immunities and privileges, in as full and ample a manner, under this indenture or treaty, as they could have received or enjoyed, under the said treaty, of the twenty ninth of June, eighteen hundred and eighteen, if this present treaty had not been made. Saving and excepting the two acres of land, which were by the treaty of June twenty ninth, eighteen hundred and eighteen, to be purchased for the use of said tribe, in the town of Brewer, the performance of which, has been relinquished by the said tribe to the commonwealth of Massachusetts.

Reserving however to the government of this state, the power and the right to ratify and confirm, at pleasure, the doings of said commissioner in the premises.

In witness whereof, the parties aforesaid, have hereunto set our hands and seals, the day and year first within written.

Lothrop Lewis.	(Seal)	his Sock X Sosep, mark Captain.	(Seal)
his John X Etien, mark Governor.	(Seal)	his Piel X Marie, mark Captain.	(Seal)
his John X Neptune, mark Lt. Governor.	(Seal)	his Suasin X Neptune, mark Capt.	(Seal)
his Captain Francis X Lolon. mark	(Seal)	his Awasoos X Mitchel, mark Capt.	(Seal)
his Captain Etien X Mitchel. mark	(Seal)	his John X Ossou, mark Capt.	(Seal)
his Captain Piel X Mitchell. mark	(Seal)	his Capt. Nicholas X Tomah. mark	(Seal)
his Joseph Maria X Neptune, Esp. mark	(Seal)	his Sabattis X Tomah. mark	(Seal)
his Joseph X Lion. mark	(Seal)	his Glocian X Awasoos. mark	(Seal)

Signed, sealed and delivered
in presence of us;
Wm. D. Williamson,
William Emerson,
Joseph Treat,
Stephen L. Lewis,
Jno. Blake,
Eben Webster.

PENOBSCOT, ss.-August 17, 1820. Personally appeared Lothrop Lewis, John Etien, John Neptune, Francis Lolon, Etien Mitchel, Piel Mitchel, Sock Joseph, Piel Maria, Suassin Neptune, Awassos Mitchell, John Ossou, Joseph Marie Neptune, Joseph Lion, Glocian Awassos, Nicholas Tomah, and Sabattis Tomah, subscribers to the foregoing instrument, and acknowledged the same to be their free act and deed.

BEFORE ME,
WILLIAM D. WILLIAMSON, Justice Peace.

REPORT of commissioners appointed to purchase the lands belonging to the

Penobscot tribe of Indians 1833.

To the governor and council of the state of Maine,
June session, A. D. 1833.

We the undersigned commissioners appointed on the part of the state of Maine, to treat with the Penobscot tribe of Indians for the purchase of such lands belonging to said tribe as they are disposed to sell to said state, have attended to the duties of said appointment and report, that they have succeeded in purchasing the four townships belonging to said Indians, being north of the mouth of the Piscataquis river, as will appear by the deed of the same signed by the governor and chiefs of said tribe, and executed according to their usages, and herewith submitted for your consideration. In discharge of the duties devolving on us in this negotiation, we were aware of the difficulties always attendant on subjects of this character, and especially at this time, disunited as they have long been by factions and party animosity; but we are happy to say that they received the proposition made by us, cordially, convened their council and chiefs, consisting of members of both parties, and after frequent public deliberations for several weeks, and frequent interviews with us by delegates appointed by their convention, and receiving from us full explanation of the subject, we were notified by them to attend their convention, where, after having read the deed of conveyance, by

their request, their signatures were then prefixed in presence of witnesses borne on said instrument. All which is submitted.

A. M. ROBERTS,

Commissioners.

THOMAS BARTLETT,

BOND given by the commissioners to the Penobscot tribe of Indians.

June, 1833.

Whereas, We, Amos M. Roberts, of Bangor, and Thomas Bartlett, of Orono, in the County of Penobscot, Esquires, commissioners appointed by the governor of Maine, to purchase for said state such of the lands of the Penobscot tribe of Indians as they might be disposed to sell, having met the governor and principal men of said tribe in the council chamber of said tribe on the 10th day of June, A. D. 1833, for the purpose of purchasing the lands aforesaid, and having discussed the subject of the meeting in open council and there obtained the consent of said tribe to sell their four townships of land to said state, and whereas, the governor and lieutenant governor, by his attorney, by his appointed for that purpose, the councillors and captains of said tribe, then and there executed to said state, under their hands and seals, a deed to the said four townships, convenanting for themselves and in behalf of said tribe to warrant and defend the same to the state against the claims of said tribe. Now, therefore, we the commissioners aforesaid, in consideration of the premises have and do hereby covenant with said tribe of Indians, in behalf of the state of Maine, to pay to said tribe the sum of fifty thousand dollars, in the manner following, to wit: said sum of fifty thousand dollars shall be deposited in the states treasury, and the interest, reckoning from the date hereof, shall annually be paid under the direction of the governor and council of said state, through the Indian agent for the benefit of said tribe, provided it should in their opinion, be required for the comfortable support of said tribe, and if at any time, at the annual settlement any part of said interest should remain in the treasury, unexpended, it shall be added to the principal of fifty thousand dollars and become a part thereof, and said sum of fifty thousand dollars, together with such increase as it may from year to year receive, and shall forever remain in the treasury an accumulating fund, for the benefit of said tribe.

In witness whereof, we the said commissioners, have hereunto set our hands this 10th day of June, A. D. 1833.

Signed, sealed and delivered, (L.S.)
in the presence of (L.S.)

We hereby certify that the above obligation, is a true copy of the one we gave to the Indians.

A. M. ROBERTS,
Commissioners.
THOMAS BARTLETT,

Bangor, January, 1834.

RESOLVE on the report of Alexander Campbell and others, a committee in behalf of this commonwealth, to negotiate and settle any misunderstanding or difference with the Passamaquoddy Indians and those of the other tribes connected with them. Feb. 10th, 1795.

Whereas, by a resolve of the general court passed on the 26th day of June last, Alexander Campbell, John Allan and George Stillman were appointed a committee, in behalf of this commonwealth, to negotiate and settle any misunderstanding, dispute or difference which may subsist between this commonwealth and the Passamaquoddy Indians and those of other tribes connected with them, with full power and authority to lay out and assign to the said Indians, any tract of unlocated land belonging to this commonwealth, in the county of Washington, not exceeding ten thousand acres, and also to purchase any particular spot of ground or tract of land for the use and convenience of said Indians, provided, however, that such purchase shall not exceed the sum of five hundred pounds.

And whereas, the said committee have exhibited to the general court, in their present session, an agreement made and signed on the 29th day of September last, by and between them in behalf of this commonwealth, and the chiefs of the Passamaquoddy tribe of Indians and others connected with them, which agreement is in the words following, to wit:

To all people to whom this present agreement shall be made known, we Alexander Campbell, John Allan and George Stillman, Esquires, a committee appointed and authorized by the general court of the commonwealth of Massachusetts, to treat with and assign certain lands to the Passamaquoddy Indians and others connected with them, agreeable to a resolve of said general court, on the twenty sixth of June, in the year of our Lord, one thousand seven hundred and ninety four, of the one part, and the subscribing chiefs and others for themselves, and in behalf of said Passamaquoddy tribe and others connected with them, of the other

part; witnesseth, that the said committee, in the behalf of the commonwealth aforesaid, and in consideration of the said Indians relinquishing all their right, title, interest, claim or demand, on any land or lands lying and being within the said commonwealth of Massachusetts; and also engaging to be peaceable and quiet inhabitants of said commonwealth, without molesting any other of the settlers of the commonwealth aforesaid in any way or means whatever; in consideration of all which, the committee aforesaid for and in behalf of the commonwealth aforesaid, do hereby assign and set off to the aforesaid Indians, the following tract or parcel of land lying and being within the commonwealth of Massachusetts, viz: all those islands lying and being in Schoodic river between the falls at the head of the tide, and the falls below the forks of said river where the north branch and west branch parts; being fifteen in number, containing one hundred acres more or less; also township No. 2 in the first range surveyed by Mr. Samuel Titcomb, in the year of our Lord, one thousand seven hundred and ninety four, containing about twenty three thousand acres more or less; being bounded as follows, easterly by Tomer's river and township No. one, first range; northerly by township No. two second range; westerly by township No. three first range; southerly by the west branch of Schoodic river and lake; and also Lire's island lying in front of said township, containing ten acres more or less; together with one hundred acres of land lying on Nemcass point adjoining the west side of said township; also Pine island lying to the westward of said Nemcass point, containing one hundred and fifty acres, more or less; also assign and set off to John Baptist Lacote, a French gentleman, now settled amoung the said Indians, one hundred acres of land, as a settler in township No. one first range, lying at the falls at the carrying place on the north branch of Schoodic river, to be entitled to have said land laid out to him in the same manner as settlers in new townships are entitled; also assign to said Indians the privilege of fishing on both branches of the river Schoodic without hindrance or molestation and the privilege of passing the said river over the different carrying places thereon; all which islands, townships, tracts or parcels of land and privileges being marked with a cross, thus X, on the plan taken by Mr. Samuel Titcomb, with the reservation of all pine trees fit for masts on said tract of land to government; they making said Indians a reasonable compensation therefor; also assign and set off to said Indians ten acres of land more or less at Pleasant point, purchased by said committee in behalf of said commonwealth, of John Frost, being bounded as follows, viz: beginning at a stake to eastward of the dwelling house, and running north twenty five

degrees west fifty four rods; from thence running north fifty six degrees east thirty eight rods to the bay; from thence by the shore to the first bound; also a privilege of setting down at the carrying place at west Quoddy between the bay of West Quoddy and the bay of Fundy, to contain fifty acres. The said islands, tracts of land and privileges to be confirmed by the commonwealth of Massachusetts to the said Indians and their heirs forever. In testimony of all which, we, the said Alexander Campbell, John Allan and George Stillman, the committee aforesaid, and in behalf of the commonwealth aforesaid, and the chiefs and other Indians aforesaid, in behalf of themselves and those connected with them as aforesaid, have hereunto set our hands and seals at Passamaquoddy, the twenty ninth day of September, in the year of our Lord one thousand seven hundred and ninety four.

Alex Campbell.	(Seal.)	his Joseph X Neptune. mark	(Seal.)
J. Allan.	(Seal.)		
George Stillman.	(Seal.)	his Pier A Denny. mark	(Seal.)
his Francis Joseph X Neptune. mark	(Seal.)	his	
his John X Neptune. mark	(Seal.)	Jonale X Denny. mark	(Seal.)
his Pier X Neptune. mark	(Seal.)	his Joseph X Tomas. mark	(Seal.)

Signed and sealed in presence of:
Samuel Titcomb,
Jno. Frost, Jun'r.

Be it therefore Resolved, That the said agreement be and it is hereby ratified and confirmed, on the part of the commonwealth, and that there be allowed and paid out of the treasury of this commonwealth, to the said committee, the sum of two hundred pounds, being the consideration paid to the above named John Frost, for a tract of land on Pleasant point, purshased by the said committee, ten acres of which more or less, as in the before recited agreement, is hereby appropriated for the accommodation of the said Indians, said sum to be paid to the said committee, on their depositing in the secretary's office a deed from the said John Frost, of the said tract of land on Pleasant point, duly executed and acknowledged; and, whereas, there now remains for the disposition of government, ninety acres more or less of the above mentioned lot of land, on Pleasant point,

Resolved, that the treasurer of this commonwealth be and he is hereby authorized and empowered, to lease the said remaining ninety acres for one year or for term of years, in such manner and on such considerations, as he may judge will be most for the advantage of the commonwealth.

ACT OF SEPARATION

CONSTITUTION OF MAINE

(Article 10 - Sec. 5 - Fifth Part)

Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties, or otherwise; and for this purpose shall obtain the consent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State, the value of thirty thousand dollars, in manner following, viz: that said Commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon assign the same to the said new State, or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which election of the said Commonwealth, shall be made within one year from the time that notice of the doings of the Commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

In 1823, Maine accepted from Massachusetts "the sum of thirty thousand dollars, elected and directed to be paid by said Commonwealth of Massachusetts to the State of Maine, in lieu of the lands set off to the said State of Maine by the Commissioners under the Act of Seperation, as an indemnity to the Said State, for the duties and obligations assumed by the same towards the Indians therein." (State of Maine, cash book record, 10/2/1823).